

Commission's services Working Paper

Guide on
Participation of candidate countries in Community **programmes,**
agencies and committees
over 2003 and 2004

Directorate-General for Enlargement – Unit D-3 (13 May 2003)

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I. Introduction

At the Copenhagen European Council of December 2002, accession negotiations were concluded with **Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia** (the "**10 acceding countries**" - ACs).

The Accession Treaty has been signed on 16 April 2003 in Athens and, following ratification, enlargement will take place on 1 May 2004.

Between the two dates (the so-called "interim period"), a complex situation will have to be handled as regards participation of the **10 ACs** as well as **Bulgaria, Romania and Turkey** (the "**13 candidate countries**" – CCs) in Community programmes, agencies and committees.

The aim of this working paper is to clarify the status of the different groups of countries and forthcoming periods, as well as the procedures to be applied by the Commission services regarding the involvement of these countries in the three Communities mechanisms (**programmes, agencies and committees**).

I.1. Reminders and basic information

- Participation in these Community mechanisms is part of the "[Pre-Accession Strategy](#)"[♦].
- The general guidelines of this type of participation were established by the Commission in its [Communication of December 1999](#)[♦].
- The Pre-Accession Strategy has been running in parallel to accession negotiations, but independently from them. At present, the 13 candidate countries are treated on an equal footing as regards the Pre-Accession Strategy. However, accession negotiations have been concluded with the **10 ACs** but are under way with **Bulgaria and Romania** (not with **Turkey**).
- Procedures to be applied specifically to the **10 ACs** during the interim period are based on the Commission "[Strategy Paper](#)" of 9 October 2002[♦].
- Reinforcement of the Pre-Accession Strategy for **Bulgaria and Romania** was established in their respective "[Roadmaps](#)" of 13 November 2002[♦].
- The Accession Treaty includes a [provision](#) to supersede the relevant Agreements, Association Council Decisions and Memoranda of Understanding on participation of the **ACs** in Community programmes or agencies upon its entry into force[♦].

[♦] See Glossary and complementary texts at the end of this Paper.

II. Participation of candidate countries in Community programmes

The current participation of the **13 CCs** in the context of the Pre-Accession Strategy will continue **until the end of 2003**.

The terms and conditions of such participation, including financial contribution from each country, are laid down in the relevant Agreements, Association Council Decisions and Memoranda of Understanding in force. See regularly updated situation in "[State of Play](#)" table[♦].

Certain participation conditions will however change for the **10 ACs** from **1st January to 30 April 2004** (see below).

II.1. Participation over 2003

The **13 CCs** will continue to participate in those programmes on which Agreements, Association Council Decisions or Memoranda of Understanding are in force, and under the terms and conditions laid down in such international legal instruments.

These terms and conditions are usually identical across all countries (except their financial contribution), as regards the participation of their citizens, enterprises or public bodies.

II.1.1. *The 10 acceding countries*

As of 17 April 2003, the Commission DGs responsible for the Community programmes should invite representatives of these countries to attend, as observers (and always without voting rights), meetings of the **committees** managing their programmes.

The invited countries should not only be those participating fully in the programme concerned, but also those of the **10 ACs** which have not concluded any of the international legal instruments mentioned above; i.e. all **10 ACs** should be invited, regardless of whether they have been participating or not.

The participation restrictions as regards the agenda items ("*...representatives shall be allowed to take part, as observers and for the points which concern their country*"), which are applied in accordance with the provisions of these international instruments, should be disregarded during the "interim period". The only restrictions to be applied will be those stated in item 7 of the "[Information and consultation procedure](#)"[♦].

II.1.1.1. Financial support to observers participating in committees

The costs resulting from the participation of observers in meetings of the **committees** managing programmes on which these international instruments are in force must continue to be reimbursed on the basis of the financial contribution made by their country to the budget programme.

[♦] See Glossary and complementary texts at the end of this Paper.

For those of the **10 ACs** which have not concluded such instruments, the costs resulting from the participation of observers in meetings of the **committees** managing programmes should be paid as follows:

- for the [8 acceding countries from Central and Eastern Europe](#)[♦], by Phare support on the basis of the [Commission Decision](#) adopted on 15 April 2003[♦];
- for **Cyprus** and **Malta**, no financial support is foreseen, since it has been agreed with their Governments that they will bear such costs.

II.1.2. Bulgaria, Romania and Turkey

The signing of the Accession Treaty on 16 April 2003 should obviously not have any consequence for these three candidate countries as regards their participation in Community programmes. The provisions of their respective international legal instruments mentioned above will continue to be implemented over 2003 in the context of the "Pre-Accession Strategy", as usual.

II.2. Participation of the 10 acceding countries during the period from 1st January to 30 April 2004

The Agreements, Association Council Decisions and Memoranda of Understanding on participation of all (or some) of these countries in Community programmes, concluded in the context of the Pre-Accession Strategy, will legally continue to be in force until 30 April 2004, unless their provisions determine earlier. See regularly updated situation in "[State of Play](#)" table[♦]. Nevertheless, their financial implications will be "suspended" until the entry into force of the Accession Treaty (see below).

It should be stressed that the legal and institutional implications of these international instruments will continue to be applied during this period, e.g. representatives of these countries attending meetings of **committees** managing programmes will continue to be considered as "observers" and consequently without voting rights. They will only acquire these rights when their countries become members of the Union.

Regarding the financial aspects, it is recalled that as soon as an **AC** becomes Member State of the EU, it contributes to the General Budget of the Union and thus acquires the right to participate in all Community programmes; it will not have to pay any specific participation fee in addition to its global contribution.

The Accession Treaty foresees that the new Member States will join the Union on 1st May 2004 and contribute to the EU budget on a pro-rata basis as of that date, i.e. for 8 months of 2004. The Treaty also foresees that the new Member States will become eligible for Community financial instruments under the first three headings of the Financial Perspective as of 1st January 2004, thus benefiting from Community programmes on par with present Member States for the full 12 months period of 2004. However, no budgetary commitments or payments can be made before they have actually become members, i.e. on 1st May 2004. See [Article on eligibility](#)[♦].

[♦] See Glossary and complementary texts at the end of this Paper.

II.2.1. Financial implications

From 1st January to 30 April 2004 and in accordance with the previous paragraph, the Directorates-General managing the Community programmes should not send any call for funds to the ACs on the basis of their respective international legal instruments mentioned above, as they have done up until 2003 included.

Consequently and in parallel, the usual Phare (and pre-accession funds) "front-loading" carried out in the past in order to co-finance the contributions of these countries for their participation in Community programmes in the following year will not take place in 2003 as regards the **10 ACs**.

II.3. Bulgaria, Romania and Turkey over 2004

Their participation in Community programmes will continue for the whole year on the basis of their respective international legal instruments, still in force, and those to be concluded in the context of the "Pre-Accession Strategy".

In 2003 the national Phare (and pre-accession fund) programming is being carried out as usual in order to co-finance the contributions of these countries for their participation in the envisaged Community programmes in 2004.

III. Participation in Community agencies

III.1. Participation over 2003

The current participation of the **13 CCs** in the context of the Pre-Accession Strategy will continue **over the whole 2003**.

The terms and conditions of such participation, including financial contribution from each country, are laid down in the relevant Agreements currently in force. At present, only the **European Environment Agency** is concerned.

Equivalent draft agreements negotiated in 2002 on full participation in the **European Monitoring Centre of Drugs and Drug Addiction** have been ruled out for any of the **10 ACs**, given the close accession date for these countries with respect to the long Community procedures required to conclude such agreements. These agreements may only be concluded in 2003 with the other candidate countries. See regularly updated situation in "[Overview](#)" [table](#)[♦].

III.1.1. The 10 acceding countries

As of 17 April 2003, all Community agencies should invite representatives of these countries to attend, as observers and always without voting rights, meetings of their **Management Boards or other expert groups**, on the basis of the Commission "[Strategy Paper](#)" of 9 October 2002[♦].

[♦] See Glossary and complementary texts at the end of this Paper.

III.1.1.1. Costs corresponding to observers participating in Management Boards or other expert groups

The costs resulting from the participation of observers in meetings of the **European Environment Agency** must continue to be reimbursed on the basis of the financial contribution made by their country to the Agency's budget.

The costs resulting from the participation of observers in meetings of other **agencies** should be borne by their respective Governments. No financial support by the Community is foreseen.

III.1.2. Bulgaria, Romania and Turkey

The signing of the Accession Treaty on 16 April 2003 should obviously not have any consequence for these three candidate countries as regards their participation in Community agencies. The provisions of their respective agreements mentioned above will continue to be implemented over 2003 in the context of the "Pre-Accession Strategy".

III.2. Participation of the 10 acceding countries during the period from 1st January to 30 April 2004

The Agreements on participation of these countries in Community agencies, concluded in the context of the Pre-Accession Strategy (so far only the **European Environment Agency** is concerned), will legally continue to be in force until 30 April 2004. See regularly updated situation in "[Overview](#)" [table](#)[♦]. Nevertheless, their financial implications will be "suspended" until the entry into force of the Accession Treaty (see below).

It should be stressed that the legal and institutional implications of these international instruments will continue to be applied during this period, e.g. representatives of these countries attending meetings of the **European Environment Agency** will continue to be considered as "observers" and consequently without voting rights. They will only acquire these rights when their countries become members of the Union.

Regarding the financial aspects, it is recalled that as soon as an **AC** becomes Member State of the EU, it contributes to the General Budget of the Union and thus acquires the right to participate in all Community agencies; it will not have to pay any specific participation fee in addition to its global contribution.

The Accession Treaty foresees that the new Member States will join the Union on 1st May 2004 and contribute to the EU budget on a pro-rata basis as of that date, i.e. for 8 months of 2004. The Treaty also foresees that the new Member States will become eligible for Community financial instruments under the first three headings of the Financial Perspective as of **1st January, 2004**, thus benefiting from Community agencies on par with present Member States for the full 12 months period of 2004, as regards agency's activities based on subsidies. However, no budgetary commitments or payments can be made before they have actually become members, i.e. on 1st May 2004. See [Article on eligibility](#)[♦].

III.2.1. Financial implications as regards the European Environment Agency

Although Phare (and/or pre-accession funds) support is scheduled until 2004 included, on the basis of the bilateral agreements in force with the **10 ACs**, the usual Phare "front-loading" carried out in the past in order to co-finance the contributions of these countries for their participation in this Agency in the following year will not take place in 2003 as regards the **10 ACs**.

The modalities of arranging for all required administrative and budgetary procedures to be ready and triggered on 2 May 2004 remain to be defined.

III.3. Bulgaria, Romania and Turkey over 2004

Their full participation in the *European Environment Agency* will continue for the whole year on the basis of their respective agreements.

If the equivalent agreements on full participation in the *European Monitoring Centre of Drugs and Drugs Addition* mentioned above were to be concluded with these countries on time, full participation would be possible in 2004, in the context of the "Pre-Accession Strategy". See regularly updated situation in "[Overview](#)" table[♦].

IV. Participation in Community committees

The current possible participation of the 13 candidate countries in Community committees, in the context of the "Pre-Accession Strategy", is subject to the principles pointed out in the Commission's Working Paper on this issue (see full text in [Annex I](#))[♦].

These principles are applicable to the context of the Pre-Accession Strategy and can be summarised as follows:

- As regards "Comitology-type" committees¹

Representatives of a given candidate country can only be invited as observers (and always without voting rights):

- ✓ **if** these committees monitor programmes in which the candidate country participates and to which it contributes financially on the basis of an Agreement, Association Council Decision or Memorandum of Understanding. See item [II.1.1.](#) above, as well as regularly updated situation on participation in programmes in "[State of Play](#)" table[♦];
- ✓ **if** - not being committees monitoring programmes (as in previous indent) - the Association Council of the relevant Europe Agreement had ascertained that the candidate country in question had taken over the entire *acquis* in the field of the committee concerned. As this has not occurred so far for any country, no representative should be invited to meetings at which this type of committee assists the Commission in the exercise of powers delegated by the Council²;

- As regards committees outside "Comitology-type" and Commission's working parties

Representatives of candidate countries can be invited as observers on a case-by-case basis to be decided by the Directorate-General concerned.

[♦] See Glossary and complementary texts at the end of this Paper.

¹ Further information is available at <http://europa.eu.int/comm/enlargement/pas/ocp/committees/>

² The "comitology" Council Decision of 28 June 1999 is available at http://europa.eu.int/eur-lex/pri/en/oj/dat/1999/l_184/l_18419990717en00230026.pdf

IV.1. The 10 acceding countries

As of 17 April 2003 and on the basis of the Commission "[Strategy Paper](#)" of 9 October 2002[♦], the Commission's Directorates-General responsible for any type of **committee or working party** should in principle invite representatives of these countries. This principle may not be applied if the DG justifies that these countries should not participate in some committees or working parties due to confidentiality reasons or because such participation would not "*reinforce the gradual integration of acceding countries into Community structures*" (see [item 3.3](#) of the "Strategy Paper"[♦]). The observers have the possibility to act and speak on the same footing as representatives from current Member States, but without the right to vote.

Further restrictions may be those stated in [item 7](#) of the "Information and consultation procedure"[♦].

IV.1.1. Financial support to observers participating in committees

The costs resulting from the participation of observers in meetings of the **committees managing programmes** to which these countries contribute financially on the basis of the relevant Agreements, Association Council Decisions or Memoranda of Understanding must continue to be reimbursed.

For those **10 ACs** which have not concluded such international instruments, the costs resulting from the participation of observers in meetings of both the **committees managing programmes** and **any other type of committee or working party concerned** should be borne as follows:

- for the [8 acceding countries from Central and Eastern Europe](#)[♦], by Phare support on the basis of the [Commission Decision](#) adopted on 15 April 2003[♦];
- for **Cyprus** and **Malta**, by the countries themselves, as agreed with their Governments; i.e. no Community financial support is foreseen.

IV.1.1.1. Administrative arrangements to implement this Phare support

Commission's Directorates-General have written to the Heads of the 10 acceding countries' Missions in Brussels, asking for identifying the persons in their countries who would be appointed as observers to be invited to participate in their relevant Community committees and Commission's working parties. A description of such committees and working parties has usually been attached. These persons should be officials and/or experts representing the public administration (or, in some cases, social partners organisations) in the acceding countries, who in principle are – like their counterparts in the Member States - involved in the implementation or enforcement of the EU acquis.

As soon as these DGs receive this information, they send out the corresponding personal invitation letters.

[♦] See Glossary and complementary texts at the end of this Paper.

As regards the reimbursement of travel costs, observers from the 8 acceding countries concerned attending the scheduled meetings will be treated in the same way as the representatives coming from Member States of the Union (see the above-mentioned [Commission Decision](#) of 15 April 2003, in particular item 5. "Description; activities financed")[♦]. Detailed administrative formalities and rules on reimbursement of travel costs are available in [Annex III](#). Further administrative information about this issue will directly be provided by the Commission's officials who organise these meetings.

IV.2. Bulgaria, Romania and Turkey

Their participation in the different Community committees should continue to the extent possible and under the conditions referred to above in the context of the Pre-Accession Strategy (see principles pointed out in the Commission's Working Paper of 14 February 2001 in [Annex I](#)).

V. Glossary and complementary texts³

V.1. The 13 candidate countries (CCs)

The enlargement process embraces the following thirteen countries: Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey.

V.1.1. The 10 Central and Eastern European countries (CEECs)

Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia. Also identified as the current "Phare countries".

V.1.2. The 10 acceding countries (ACs)

With these countries membership negotiations have been finalised at the European Council in Copenhagen in December 2002: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovakia and Slovenia. The "[Strategy Paper](#)" of 2002 (see below) identified them as "**acceding countries**". These countries have signed the Accession Treaty on 16 April 2003 and join the EU, after ratification procedures, on 1 May 2004.

V.1.3. Bulgaria and Romania

Negotiations are ongoing with Bulgaria and Romania with the objective to conclude them on time for these countries to become Members in 2007.

[♦] See Glossary and complementary texts at the end of this Paper.

³ General information on these issues is available at the following Website address:
<http://europa.eu.int/comm/enlargement/pas/ocp/index.htm>

V.1.4. Turkey

Negotiations with Turkey have not been opened yet. The European Council will take a decision in this respect in late 2004, based on a recommendation of the Commission.

V.2. Pre-Accession Strategy

The Pre-Accession Strategy consists of a combination of priority setting coupled with financial assistance, Association Agreements, participation in Community programmes and agencies and preparation of the negotiations through analytical examination of the *acquis*. It helps the candidate countries to prepare for their future membership by aligning with the *acquis* before accession.

This strategy has

- two main objectives:
 - ✓ to bring together all the different forms of support within a single framework, called an Accession Partnership, for each country, and to work together with the candidates, within this framework, on the basis of a clearly defined programme to prepare for membership;
 - ✓ to familiarise the candidate countries with EU policies and procedures through their increased participation in Community programmes and agencies;
- four key instruments:
 - ✓ Association Agreements (called "Europe Agreements" for the CEECs);
 - ✓ Accession Partnership and National Programmes for the Adoption of the Acquis;
 - ✓ Pre-accession funds (2000-2006), which are split up into:
 - ⇒SAPARD (*Agriculture and Rural Development*)
 - ⇒ISPA (*Environment and Transport*)
 - ⇒Phare (*Investment and Institution Building*)
 - [these 3 financial instruments are devoted only to the 10 CEECs]**
 - ⇒Specific funds for **Cyprus, Malta and Turkey**
 - ✓ Implementing CC participation in Community programmes and agencies.

V.3. Commission Communication of December 1999

In order to define a comprehensive scheme on the three Community mechanisms, the Commission proposed to the Council of Ministers in December 1999 (just following the Helsinki European Council) general guidelines by means of a Communication on "*Participation of candidate countries in the Community programmes, agencies and committees*" [COM (1999) 710].⁴

V.4. Strategy Paper of 9 October 2002

Since 1998 the Commission prepared annual reports on the progress of each candidate country towards membership of the European Union ("Regular Reports"). These reports provide the basis for decisions to be made by the Member States in the framework of the

⁴ This COM document is available at the following Website address:

http://www.europa.eu.int/comm/enlargement/pas/ocp/ocp_docs/com710_en.pdf

enlargement process. The reports are accompanied by a strategy paper that summarises the findings of the Regular Reports and makes recommendations to the Council.

Item 3.3. of the 2002 Strategy Paper (“*Participation in the work of the Union before accession*”) refers to the participation of the **acceding countries** as observers in committees and agencies:⁵

“Candidate countries already participate in a number of Community committees and agencies. In order to reinforce the gradual integration of acceding States into Community structures, these states should be given, after the signature of the Accession Treaty, the possibility to further participate, wherever legally possible, as observers in all committees set up by the comitology procedure and all other committees. The Commission, furthermore, considers that acceding States should also be able to participate at least as observers in the relevant structures of all Community agencies. The general principles and details of this participation will be defined at a later stage. In order to facilitate financing the costs of effective participation, each acceding State could, if it so wishes, reserve appropriate amounts in the envelope of its national pre-accession programme.

The European Parliament is equally planning to let observers from the candidate countries participate in the work of the Parliament.

There will also be a need to define the modalities of involving the acceding countries in the process of adopting new acquis during the period between the signature of the Accession Treaty and the date of accession. This has traditionally been done by an exchange of letters on the information and consultation procedure for acceding countries prior to decisions taken by the Council. The Council intends, as in past enlargements, to take appropriate decisions in order to allow the acceding countries to take part in the decision shaping process.”

The European Council endorsed this recommendation at its meeting of Brussels in October 2002. Furthermore - as in the past enlargements – the Council of Minister has taken similar decisions as far as the relevant Council bodies and working groups are concerned. A specific information and consultation procedure was agreed with the acceding countries at the Copenhagen European Council in December 2002 and is annexed to the Final Act of the Accession Treaty in order to secure involvement of the acceding countries prior to decisions taken by the institutions.

V.5. Accession Treaty article on eligibility of the new Member States as of 1st January, 2004:

<<Part 4, Title I, Art. 32 “Transitional Measures”

1. Save as otherwise provided for in this Treaty, no financial commitments shall be made under the Phare programme⁶, the Phare Cross-Border Cooperation programme⁷, pre-accession funds for Cyprus and Malta⁸, the ISPA programme⁹ and the SAPARD programme¹⁰ in favour of the new Member States after 31 December 2003. The new Member

⁵ The full text of the 2002 strategy paper is available on the following web site:
http://europa.eu.int/comm/enlargement/report2002/strategy_en.pdf

⁶ Regulation (EEC) No 3906/89 (OJ L 375, 23.12.1989, p. 11), as amended.

⁷ Regulation (EC) No 2760/98 (OJ L 345, 19.12.1998, p. 49), as amended.

⁸ Regulation (EC) No 555/2000 (OJ L 68, 16.3.2000, p. 3), as amended.

⁹ Regulation (EC) No 1267/1999 (OJ L 161, 26.6.1999, p. 73), as amended.

¹⁰ Regulation (EC) No 1268/1999 (OJ L 161, 26.6.1999, p. 87).

States shall receive the same treatment as the present Member States as regards expenditure under the first three Headings of the financial perspective, as defined in the Interinstitutional Agreement of 6 May 1999¹¹, as from 1 January 2004, subject to the individual specifications and exceptions below or as otherwise provided for in this Treaty. The maximum additional appropriations for headings 1, 2, 3 and 5 of the Financial Perspective related to enlargement are set out in Annex XV. However, no financial commitment under the 2004 budget for any programme or agency concerned may be made before the accession of the relevant new Member State has taken place.

2. Paragraph 1 shall not apply to expenditure under the European Agricultural Guidance and Guarantee Fund, Guarantee Section, according to Articles 2(1), 2(2), and 3(3) of Council Regulation (EC) No 1258/1999 on the financing of the common agricultural policy¹², which will become eligible for Community funding only from the date of accession, in accordance with Article 2 of this Act.

However, paragraph 1 of this Article shall apply to expenditure for rural development under the European Agricultural Guidance and Guarantee Fund, Guarantee Section, according to Article 47a of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain regulations¹³, subject to the conditions set out in the amendment of that Regulation in Annex II to this Act.

3. Subject to the last sentence of paragraph 1, as of 1 January 2004, the new Member States will participate in Community programmes and agencies according to the same terms and conditions as the present Member States with funding from the general budget of the European Communities. The terms and conditions laid down in Association Council Decisions, Agreements and Memoranda of Understanding between the European Communities and the new Member States regarding their participation in Community programmes and agencies shall be superseded by the provisions governing the relevant programmes and agencies with effect from 1 January 2004.

4. Should any of the States referred to in Article 1(1) of the Treaty not accede to the Community during 2004, any application made by or from the State concerned for funding by expenditure under the first three Headings of the Financial Perspective for 2004 shall be null and void. In that case the relevant Association Council Decision, Agreement or Memorandum of Understanding shall continue to apply in respect of that State throughout the entire year 2004.

5. If any measures are necessary to facilitate the transition from the pre-accession regime to that resulting from the application of this Article, the Commission shall adopt the required measures.>>

V.6. "Roadmaps" for Bulgaria and Romania of 13 November 2002

On 13 November 2002 the Commission presented roadmaps for Bulgaria and Romania [COM (2002) 624]¹⁴ to support the efforts of these two candidate countries to achieve their objective of joining the European Union in 2007. The purpose of the roadmaps is to indicate the main steps that they need to take to be ready for membership. They identify in detail the tasks

¹¹ Interinstitutional Agreement of 6 May 1999, between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure (OJ L 72, 18.6.1999, p. 1).

¹² OJ L 160, 26.6.99, p. 103.

¹³ OJ L 160, 26.6.1999, p. 80.

¹⁴ The full text of the roadmaps is available at the following web site:
http://www.europa.eu.int/comm/enlargement/docs/pdf/roadmap-br-ro-2002_en.pdf

ahead. To support these efforts, the Commission also proposed a considerable progressive increase in the European Union's financial assistance.

V.7. Commission's Information and Consultation Procedure

On 25 February 2003 the Commission adopted a document entitled "*Internal arrangements of the Commission to implement the information and consultation procedure for the adoption of certain decisions and other measures to be taken during the period preceding accession*".

Regarding the participation of acceding countries in committees and working parties the document foresees the following:

<<7. Participation of observers from the acceding States in the meetings of committees and working parties

The Secretariat General, in cooperation with all the services concerned, will establish a list of working parties and committees that have been set up by the Commission and of committees that have been set up by the Treaties or acts of the Council where these committees are chaired by the Commission and to whose meetings representatives of the acceding States could be invited.

On the basis of this list, invitations will be sent by the services directly to the Mission of the acceding States to attend, as observers, in meetings of these working parties and committees as from the day following the signature of the Treaty of Accession. DG Enlargement and the Secretariat General will be kept informed.

For agenda items which are not relevant to the period after accession, it will remain possible to hold meetings without the presence of representatives from the acceding States or to reserve part of the meetings to Member States only. Agendas will be arranged in such a way as to facilitate this.>>

V.8. Phare support to costs of observers from 8 acceding countries attending Community committees

This Phare support adopted by the Commission on 15 April 2003 only covers the following **eight countries from Central and Eastern Europe**:

the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia. The full text is available in [Annex II](#).

V.9. Information tables on participation in Community programmes and agencies

These tables are available and regularly updated at:

http://europa.eu.int/comm/enlargement/pas/ocp/ocp_tables/state_of_play.pdf

http://europa.eu.int/comm/enlargement/pas/ocp/ocp_tables/overview_participation_in_agencies.pdf

V.10. ANNEX I – Working paper on committees

PARTICIPATION OF CANDIDATE COUNTRIES IN COMMUNITY COMMITTEES

Principles established by the Commission in its Communication to the Council on the "Participation of candidate countries in Community programmes, agencies and committees" [COM(1999) 710]

Working paper¹⁵

Introduction

Part 4 of the Communication deals with participation in committees set up to assist the Commission in the exercise of powers delegated by the Council ("committee procedure" committees), and in various other committees and working parties.

It was stated at the outset that countries which are not yet members of the European Union should not be involved in any Community decision-making mechanism.

However, account must be taken of the fact that whole areas of the *acquis* will be applied in full by the candidate countries even before their accession and it is therefore in the interest of the European Union to involve these countries in the machinery by which the *acquis* is developed, to ensure it is effectively applied and to familiarise them with procedures in order to avoid the introduction of laws or policies incompatible with the *acquis* (point 4.2.a).

The participation of the candidate countries should therefore be examined and decided on according to the type of committee and its involvement in the legislative process.

Types of committee and working party

Four types of committee or working party were referred to in the Communication:

1. ***Committees responsible for monitoring Community programmes*** (point 4.1);
2. ***"Comitology-type" committees outside the framework of Community programmes*** (point 4.2.b);
3. ***Committees which discuss application of the Community acquis*** (point 4.2.c);
4. ***Working parties created by the Commission*** (point 4.2.d).

The basic characteristics of these committees or working parties, and the criteria for the participation of the candidate countries, are as follows:

1. ***"Comitology-type" committees managing Community programmes.*** These are the regulatory or management committees of programmes.

¹⁵ A summary of this paper is available at http://europa.eu.int/comm/enlargement/pas/ocp/ocp_tables/committees.pdf

Line to be taken by Directorates-General concerned

Representatives of the candidate countries must be invited to meetings of these committees as observers and for the items which concern them. The Commission must comply with this undertaking as it has been formalised by international agreements between the Community and the countries in question since 1999 (various Association Council decisions - simplified agreements - with the ten CEECs and agreements with Cyprus and Malta). The undertaking is applicable only in the case of programmes in which the candidate countries participate and to which they contribute financially on the basis of these agreements.

2. ***"Comitology-type" committees outside the framework of Community programmes.*** It is envisaged that representatives of the candidate countries will participate only where the country in question has applied whole areas of the *acquis* in full before its accession. The Commission in fact proposed (point 4.2.b) that *"In view of the foregoing, appropriate arrangements might be envisaged whereby a country which has been accepted by the Association Council as having taken over the entire acquis in a given field can be involved in further developments of the acquis. Actual application and not simply the formal transposition of the acquis by the candidate country would be ascertained by the Association Council¹⁶".* These bodies would also define the participation status conferred on the candidate countries for the committees, on the basis of criteria previously established for this purpose.

Line to be taken by Directorates-General concerned

The participation of the candidate countries in these committees is not currently an issue as the Association Council is yet to come across a single instance of the actual and full application of the *acquis* by a candidate country in any field. If the DGs concerned were to ascertain the ***"actual application and not simply the formal transposition"*** referred to above, appropriate arrangements would be proposed by the Commission to the EU Council. Only if approved by the EU Council might they then be formalised by the Association Council between the Community and the country concerned.

3. ***Committees which discuss application of the Community acquis.*** Early participation by the candidate countries might be allowed in cases where the committees do not meet to issue opinions on implementing or management powers delegated to the Commission but rather to discuss any other matter relating to the application of the Community *acquis*. The Commission considered that the candidate countries' participation would then be desirable in order to obtain a better understanding of the practical aspects of applying the *acquis*.

Line to be taken by Directorates-General concerned

DGs managing areas of the *acquis* may, after consulting the Secretariat General, the Legal Service and DG Enlargement, envisage the participation of candidate countries in committees of this type on a case-by-case basis. With the agreement of these departments, the Commission representative, as chair, may then propose to the members of the committee concerned that representatives of the candidate countries be invited to some or all of its meetings. All 13 candidate countries must be invited (principle of non-discrimination under the pre-accession strategy). The Commission does not have to request the Council's permission to invite candidate countries to meetings of these committees. However, it must first secure the agreement of the committee members.

¹⁶ For the record: The Association Council is composed of members of the EU Council and European Commission and members of the government of the associated country.

4. *Working parties created by the Commission.* Early participation in working parties responsible for assisting the Commission in technical areas would also be desirable.¹⁷

Line to be taken by Directorates-General concerned

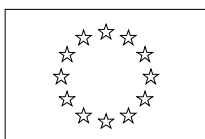
The DGs concerned may, following consultation with DG Enlargement, decide to invite experts from the candidate countries in accordance with the non-discrimination principle referred to above. The Commission does not have to request the Council's permission to invite candidate countries to meetings of these working parties.

Status of representatives of the candidate countries participating in committees: without exception, representatives of candidate countries will not be allowed to sit on the committees concerned as **members**, as that status is reserved for Member State representatives. Representatives of candidate countries will have **observer** status only (without voting rights, of course) in the committees referred to under heading 1, or **expert-observer** status in the committees or working parties referred to under headings 3 and 4.

[This working paper was endorsed by the Commission's Interservice Group on Enlargement at its meeting of 14 February 2001]

¹⁷ Paragraph 4(2)(d) of the Communication: such working parties "owing to their informal nature, do not constitute committees assisting the Commission in the exercise of the powers delegated to it by the Council. Working parties of this type (which include those for motor vehicles and measuring instruments) are not covered by the "Committee Procedures" decision. They are chaired by the Commission and include representatives of all the Member States. They normally have the same composition as the committees set up by legislative act but do not perform the same functions."

V.11. ANNEX II – Commission Decision on special Phare support



EUROPEAN COMMISSION
Enlargement

COMMISSION DECISION OF 15 APRIL 2003

Establishing a global authorisation for a ***Phare multi-beneficiary programme on Participation of the Central and Eastern European Acceding countries in Community committees in 2003 and 2004***,

The Commission of the European Communities,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) N° 3906/89 of 18 December 1989 on economic aid to certain countries of Central and Eastern Europe¹⁸, as last amended by Regulation (EC) N° Regulation (EC) No 2500/2001¹⁹ and in particular Article 8 thereof,

Whereas Regulation No 3906/89, lays down the rules and conditions for the granting of economic aid to certain countries of Central and Eastern Europe,

Whereas the measures provided for by this Decision are in accordance with the opinion of the Committee on Aid for Economic Restructuring in certain countries of central and Eastern Europe,

HAS DECIDED AS FOLLOWS:

Article 1

The Programme described in the Annex to the present decision is hereby adopted.

Article 2

The maximum amount of Community assistance shall be 10 MEUR to be financed through budget line B7-030 in 2003.

Done at Brussels, on 15 April 2003

For the Commission

Günter VERHEUGEN
Member of the Commission

¹⁸ OJ n° L375/11 du 23/12/1989

¹⁹ OJ no. L342 of 27.12.2001

ANNEX to the Commission Decision of 15 April 2003

1. IDENTIFICATION

Beneficiary states: the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia (*the eight Phare acceding countries*)
Year: 2003
Cost: 10 MEUR
Expiry date: 1.05.2004, contracting
31.12.2005, disbursement
Sector: 99810
CRIS Reference: 2003 / 004-323
Budget line: B7-030
Task Manager: Vicente Nieto (DG ELARG)

2. SUMMARY

The objective of this new programme is to facilitate financing the costs of effective participation of the eight Phare acceding countries in Community committees.

The funds authorised under this programme will cover the costs of the representatives or experts from these countries attending, as observers, committee and working group meetings organised by the Commission and referred to in the list presented in Annex; these costs will be covered in accordance with the rules and practice in force for the participation of representatives or experts from Member States.

3. BACKGROUND

In the context of the accession negotiations, the Commission recommended in its Communication "Towards the Enlarged Union - Strategy Paper and Report of the European Commission on the progress towards accession by each of the candidate countries" of 9 October 2002 [COM(2002) 700 final] to reinforce the gradual integration of acceding countries into Community structures by giving these countries, after the signing of the Accession Treaty, the possibility to participate further, wherever legally possible, as observers in all committees set up by the "comitology" procedure and all other committees. To this end, allocations from Phare and pre-accession funds were foreseen to finance this participation.

The European Council endorsed this recommendation at its meeting of Brussels in October 2002. Furthermore - as in the past enlargements - the Council of Minister intends to take similar decisions as far as the relevant Council bodies and working groups are concerned. A specific information and consultation procedure was agreed with the acceding countries at the Copenhagen European Council in December 2002 and shall be annexed to the Final Act of the Accession Treaty in order to secure involvement of the acceding countries prior to decisions taken by the institutions.

4. OBJECTIVES

The wider objective of the programme is to facilitate acceding countries' representatives and experts to familiarise themselves with the Community decision-shaping process and working methods. This will allow the acceding countries to take part in the process of adopting new acquis during the period between the signature of the Accession Treaty and the date of accession.

Therefore, over one year (i.e. from 17 April 2003 to 30 April 2004), the representatives or experts from these countries will be treated as if they were Member State's representatives or experts, as far as the financial support of the costs of their participation is concerned.

Since this participation requires additional efforts of the Phare acceding countries, the Commission recommends that Phare funds be allocated to support the corresponding costs.

5. DESCRIPTION. ACTIVITIES FINANCED

This programme will fund the costs of the representatives and experts from these countries attending effectively, as observers, committee and working group meetings organised by the Commission and referred to in the list presented in Annex. The costs will be reimbursed on the basis of the same criteria which are currently applied for Member States (in general, only travel costs for one representative by acceding country; also accommodation costs or travel costs for representatives or experts where these provisions are in force for Member States participation).

The final beneficiaries of these funds will be officials and/or experts representing the administration or the social partners organisations in the Phare acceding countries which have signed the Accession Treaty, who in principle are involved in the implementation or enforcement of the EU *acquis*.

These funds will not finance costs related to meetings of committees managing Community programmes in which the acceding countries participate, on the basis of Agreements, Association Council Decisions and Memoranda of Understanding, between the European Communities and these countries, laying down the terms and conditions of such participation.

6. COST

The committees and working groups concerned and the number of their meetings have been established on the basis of the 2003 list of committees and workings groups authorised by the Secretariat General of the Commission. By extrapolating the average travel costs per meeting regarding representatives of the current 15 Member States, it is estimated that up to around 2.75 MEUR per acceding country would be needed to finance these costs over the period April 2003-April 2004. Given the fact that only eight Phare countries are expected to sign the Accession Treaty, the total budget of the programme should be above 22 MEUR.

Nevertheless, since the real attendance of acceding countries' observers to meetings cannot be accurately estimated at this stage, the Phare funds proposed now are only 10 MEUR. On the basis of the implementation of this support over the period April-September 2003, the Commission will recommend in Autumn 2003 an additional similar Phare support which would cover the period October 2003-April 2004 and would be calculated by extrapolating the real attendance rates over the precedent period.

7. IMPLEMENTATION

The programme will be implemented by the Commission.

The management of the programme will be sub-delegated by DG Enlargement to the new Paymaster's Office. This Office will then pay out to representatives attending committee's meetings, like it does currently for Member States representatives.

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V.12. ANNEX III – Rules for reimbursement of travel expenses

for representatives of the 8 Phare acceding countries

1. Administrative formalities

Attention is drawn to the need to **comply strictly** with the following formalities.

1.1 Application form for reimbursement

For *each* meeting, an application form shall be filled in and signed by the representative. The **original return ticket** must be produced during the meeting in order to enable the Commission services to check and reimburse the effectively price paid. The representatives must ensure that the fare is shown on the tickets, or else provide the **relevant invoice**.

1.2. Bank identification²⁰

In order to register a new bank account (i.e. for the *first* payment by the Commission into *this* account) or to amend banking data, the following **must** be submitted in paper form to the meeting secretary:

- either a document (or copy) issued by the bank and containing the following data: the number and holder of the bank account (account statement, proof of opening of the account, account identification number), together with a financial information sheet duly completed and signed by the account holder that he/she will receive from the Commission services concerned together with the invitation letter;
- or, if the above is not possible, the financial information sheet duly completed and signed by the bank and the account holder.

This/these document(s) must be provided to enable the Commission to reimburse costs.

2. Travel expenses

Travel expenses are reimbursed on the following basis:

- Always from the departure point stated in the invitation and the meeting place
- For air travel
(authorised only if distance > 400 km or journey involving a sea crossing):

In **economy class**, on the basis of the most economical fare available at the moment of the invitation and allowing participation to the meeting and travel during the workweek.

If, exceptionally, for **reasons beyond the control of representatives**, seats have to be booked in business class and/or higher rate, the representative must **produce with the ticket supporting evidence from the travel agency.**

- For **train** and **car** (if distance < 400 km)

Train or car: on the basis of the shortest and most economical route in 1st class rail.

No reimbursement authorised for :

- Taxi fares / Parking fees
- Cost of transporting a car by car-ferry.

²⁰ For States representatives, a governmental bank account should be given

OTHER PROVISIONS

- Reimbursement of expenses will be transferred by bank in **Euros**.
- Financial department may at any time crosscheck the statements made in an application for reimbursement with other signatories of the application.
- The recipient will be required to repay any sums paid in error.
- No moral, material or bodily harm incurred by the person in the course of the journey or stay in the place where the meeting is held may be the subject of a claim against the Commission unless it can be imputed to the Commission.
- Persons using their own vehicle will remain fully liable for any accidents in which they may be involved.
