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## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 5 April 1994

concerning the grant of assistance from the cohesion financial instrument to a preparatory study concerning the evaluation of the energy savings and environmental benefits to be gained from bypasses, with reference to the final, northern section of the M-40 Madrid ring road in Spain

No CF: 93/11/61/098

(Only the Spanish text is authentic)

(94/706/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument<sup>(1)</sup>, as amended by Regulation (EC) No 566/94<sup>(2)</sup> and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments<sup>(3)</sup>, amended by Regulation (EEC) No 2082/93<sup>(4)</sup>, are to apply *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas on 9 November 1993 the Spanish Government submitted an application for assistance from the cohesion financial instrument for the first phase of a preparatory study concerning the evaluation of the energy savings and environmental benefits to be gained from bypasses, with reference to the final, northern section of the M-40 Madrid ring road in Spain;

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC) No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the preparatory study will contribute to attainment of the environmental objectives set out in Article 130r of the Treaty;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities<sup>(5)</sup>, as last amended by Regulation (Euratom, ECSC, EEC) No 610/90<sup>(6)</sup>, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

<sup>(1)</sup> OJ No L 79, 1. 4. 1993, p. 74.

<sup>(2)</sup> OJ No L 72, 16. 3. 1994, p. 1.

<sup>(3)</sup> OJ No L 374, 31. 12. 1988, p. 1.

<sup>(4)</sup> OJ No L 193, 31. 7. 1993, p. 20.

<sup>(5)</sup> OJ No L 356, 31. 12. 1977, p. 1.

<sup>(6)</sup> OJ No L 70, 16. 3. 1990, p. 1.

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93 and the provisions contained in Annex VI;

Whereas all the other conditions laid down have been complied with,

HAS ADOPTED THIS DECISION:

#### *Article 1*

1. The preparatory study concerning the evaluation of the energy savings and environmental benefits to be gained from bypasses, with reference to the final, northern section of the M-40 Madrid ring road in Spain as described in Annex I hereto is hereby approved for the period November 1993 to 1 October 1994.

2. For the purposes of this Decision, references to 'project' shall be understood to mean also 'preparatory study'.

#### *Article 2*

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 62 000.

2. The rate of Community assistance granted to the project shall be fixed at 100 %.

3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 62 000.

4. The contribution is committed from the 1994 budget.

#### *Article 3*

1. Community assistance shall be based on the financial plan for the project set out in Annex II.

2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.

3. The amount of the first advance payment shall be fixed at ECU 15 500.

#### *Article 4*

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have

been made in Spain and for which the requisite finance has been specifically allocated to works to be completed not later than 1 October 1994.

2. Expenditure incurred before 9 November 1993 shall not be eligible for assistance.

3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

#### *Article 5*

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7, 30, 52 and 59 of the Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the Treaty.

#### *Article 6*

Systematic monitoring and assessment of the project shall take place in accordance with the provisions set out in Annex IV hereto.

#### *Article 7*

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

#### *Article 8*

Each Annex to this Decision shall form an integral part of it.

#### *Article 9*

Failure to comply with the provisions of this Decision may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

#### *Article 10*

This Decision is addressed to Spain.

Done at Brussels, 5 April 1994.

*For the Commission*

Peter SCHMIDHUBER

*Member of the Commission*

## ANNEX I

## SUMMARY

## 1. Project title

Study concerning the evaluation of the energy savings and environmental benefits to be gained from bypasses, with reference to the final, northern section of the M-40 Madrid ring road in Spain.

## 2. Authority making the application

2.1. Name: Dirección General de Planificación

2.2. Address: Paseo de la Castellana 162, 28071 Madrid

## 3. Authority responsible for implementation

3.1. Name: Dirección General de Planificación

3.2. Address: Paseo de la Castellana 162, 28071 Madrid

## 4. Location

4.1. Member State: Spain

4.2. Region: Madrid

## 5. Brief description

The study is to be carried out in two phases. The first phase involves an evaluation of the socio-economic benefits of bypasses on the basis of existing data. The second involves the collection of the necessary data for a detailed evaluation of the benefits to be gained from the construction of ring roads. During both phases the study will look at the question from both a general perspective and from that of the M-40.

## 6. Principal objectives

The aim is to develop a method for evaluating the environmental effects of bypasses around population centres. The evaluation will be used not only to determine the impact on transport and the environment but also to gain a fuller idea of the human consequences of such projects.

## 7. Work schedule

Date of commencement: 9 November 1993

Date of completion: 1 October 1994

## 8. Cost

(ECU '000)

|                                                                     |        |
|---------------------------------------------------------------------|--------|
| Total cost                                                          | 62,000 |
| Total eligible cost                                                 | 62,000 |
| Total assistance applied for from the cohesion financial instrument | 62,000 |

## ANNEX II

## FINANCING PLAN

Project: 93/11/61/098

(ECU '000)

| Year  | Total cost <sup>(1)</sup> | Public expenditure       |       |                     |       |                      |       |                    |       |       | Private sector |         | Community loans |
|-------|---------------------------|--------------------------|-------|---------------------|-------|----------------------|-------|--------------------|-------|-------|----------------|---------|-----------------|
|       |                           | Total public expenditure |       | Cohesion instrument |       | National authorities |       |                    |       | Other |                |         |                 |
|       |                           |                          | %     |                     | %     | Total                | %     | Central government | Other |       |                | %       |                 |
|       | 1=2+11                    | 2=4+6+10                 | 3=2/1 | 4                   | 5=4/2 | 6=8+9                | 7=6/2 | 8                  | 9     | 10    | 11             | 12=11/1 | 13              |
| 1993  | 31,000                    | 31,000                   | 100   | 31,000              | 100   |                      |       |                    |       |       |                |         |                 |
| 1994  | 31,000                    | 31,000                   | 100   | 31,000              | 100   |                      |       |                    |       |       |                |         |                 |
| 1995  |                           |                          |       |                     |       |                      |       |                    |       |       |                |         |                 |
| Total | 62,000                    | 62,000                   | 100   | 62,000              | 100   |                      |       |                    |       |       |                |         |                 |

<sup>(1)</sup> Total eligible cost of project.

## ANNEX III

## FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

## Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of the Decision according to the procedures described in point 12.

## Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission, under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

## Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Regulation (EEC) No 4253/88. If the authority does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

#### Procedure for amending the project Decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
  - (a) Amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
  - (b) In the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10 % of the total expenditure planned for the project shall not be regarded as a substantial change of the financing plan and the schedule of expenditure.

#### Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.

### ANNEX IV

#### MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

##### A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
  - the Monitoring Committee set up by each Member State concerned,
  - reports,
  - sample checks.

##### *Monitoring Committee*

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Spain shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Spain.

## 5. The Committee shall:

- (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
- (b) give its opinion on the draft annual reports on implementation referred to in point 6;
- (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
- (d) ensure publicity for the project;
- (e) ensure that Community policies are respected, especially environment policy;
- (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

*Reports*

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

*Checks*

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

**B. Assessment**

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.

## ANNEX V

## INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 100 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicise the project using appropriate means, especially audio-visual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure that there is transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC <sup>(1)</sup> have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months after the adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

<sup>(1)</sup> OJ No L 158, 23. 6. 1990, p. 56.

## ANNEX VI

## OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within a specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

## COMMISSION DECISION

of 12 April 1994

concerning the grant of assistance from the cohesion financial instrument to the stage of project concerning tankers for fire-fighting in Greece

No CF: 93/09/61/071

(Only the Greek text is authentic)

(94/707/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument <sup>(1)</sup>, as last amended by Council Regulation (EC) No 566/94 <sup>(2)</sup>, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments <sup>(3)</sup>, as amended by Regulation (EEC) No 2082/93 <sup>(4)</sup>, are to apply, *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas on 13 August 1993 Greece submitted an application for assistance from the cohesion financial instrument for the project concerning tankers for fire-fighting in Greece;

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of the Regulation and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project will help achieve the objectives of Article 130r of the Treaty concerning the environment;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 792/93, technically and financially discrete stages of the project have been identified for the purpose of granting assistance from the financial instrument;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities <sup>(5)</sup>, as last amended by Council Regulation (Euratom, ECSC, EEC) No 610/90 <sup>(6)</sup>, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93 and Annex VI hereto;

Whereas all the other conditions laid down, have been complied with,

HAS ADOPTED THIS DECISION:

## Article 1

The project concerning tankers for fire-fighting in Greece as described in Annex I hereto is hereby approved for the period from 1 January 1994 to 30 April 1995.

<sup>(1)</sup> OJ No L 79, 1. 4. 1993, p. 74.

<sup>(2)</sup> OJ No L 72, 16. 3. 1994, p. 1.

<sup>(3)</sup> OJ No L 374, 31. 12. 1988, p. 1.

<sup>(4)</sup> OJ No L 193, 31. 7. 1993, p. 20.

<sup>(5)</sup> OJ No L 356, 31. 12. 1977, p. 1.

<sup>(6)</sup> OJ No L 70, 16. 3. 1990, p. 1.

*Article 2*

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 8 452 000.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 7 184 200.
4. The contribution is committed from the 1994 budget.

*Article 3*

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 2 765 900.

*Article 4*

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Greece and for which the requisite finance has been specifically allocated to works to be completed not later than 30 April 1995.
2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.
3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

*Article 5*

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7, 30, 52 and 59 of the Treaty, as well as with Community law,

in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the Treaty.

*Article 6*

Systematic monitoring and assessment of the project take place in accordance with the provisions set out in Annex IV hereto.

*Article 7*

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

*Article 8*

Each Annex to this Decision shall form an integral part of it.

*Article 9*

Failure to comply with the provisions of this Decision or its Annexes may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

*Article 10*

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 12 April 1994.

*For the Commission*

Peter SCHMIDHUBER

*Member of the Commission*

## ANNEX I

## SUMMARY

## 1. Project title

Tankers for fire-fighting

## 2. Authority making the application

2.1. Name: Ministry for Public Order

2.2. Address: Mourouzi 4, Athens

## 3. Authority responsible for implementation

3.1. Name: Ministry for Public Order, Fire Brigade command

3.2. Address: Mourouzi 4, Athens

## 4. Location

4.1. Member State: Greece

4.2. Region: Prefectures of Attiki, Thessaloniki and others

## 5. Brief description

Acquisition of 61 tankers with capacities of 2 500 and 1 000 litres for use in fighting forest fires and other types of fire.

## 6. Principal objectives

Protection of the environment by putting out fires; assistance to persons (road accidents).

## 7. Work schedule

|                   | Date of commencement | Date of completion |
|-------------------|----------------------|--------------------|
| Preparation       |                      |                    |
| Purchase of land  |                      |                    |
| Main works        | January 1994         | 30 April 1995      |
| Operational phase |                      | 1995               |

## 8. Cost-benefit analysis

Public utility

## 9. Environmental impact assessment

Protection of woodlands, fire-fighting

## 10. Total cost

(ECU '000)

| Total cost | Community assistance |
|------------|----------------------|
| 8 452,000  | 7 184,000            |

## ANNEX II

## FINANCING PLAN

Project: 93/09/61/071

(ECU '000)

| Year  | Total cost <sup>(1)</sup> | Public expenditure       |       |                     |       |                      |       |           |   |       | Private sector |         | Community loans |
|-------|---------------------------|--------------------------|-------|---------------------|-------|----------------------|-------|-----------|---|-------|----------------|---------|-----------------|
|       |                           | Total public expenditure |       | Cohesion instrument |       | National authorities |       |           |   | Other |                |         |                 |
|       |                           |                          |       |                     |       |                      |       |           |   |       |                |         |                 |
|       | 1=2+11                    | 2=4+6+10                 | 3=2/1 | 4                   | 5=4/2 | 6=8+9                | 7=6/2 | 8         | 9 | 10    | 11             | 12=11/1 | 13              |
| 1994  | 6 508,000                 | 6 508,000                | 100   | 5 531,800           | 85    | 976,200              | 15    | 976,200   |   |       |                |         |                 |
| 1995  | 1 944,000                 | 1 944,000                | 100   | 1 652,400           | 85    | 291,600              | 15    | 291,600   |   |       |                |         |                 |
| 1996  |                           |                          |       |                     |       |                      |       |           |   |       |                |         |                 |
| Total | 8 452,000                 | 8 452,000                | 100   | 7 184,200           | 85    | 1 267,800            | 15    | 1 267,800 |   |       |                |         |                 |

<sup>(1)</sup> Total eligible cost of project.

## ANNEX III

## FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

## Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of the Decision according to the procedures described in point 12.

## Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Council Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

## Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Council Regulation (EEC) No 4253/88. If the authority designated under point 5 does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

#### Procedure for amending the project decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
  - (a) amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
  - (b) in the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10% of the total expenditure planned for the project shall not be regarded as a substantial change.

#### Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.

### ANNEX IV

#### MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

##### A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
  - the Monitoring Committee set up by each Member State concerned,
  - reports,
  - sample checks.

##### *Monitoring Committee*

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Greece shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Greece.

## 5. The Committee shall:

- (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
- (b) give its opinion on the draft annual reports on implementation referred to in point 6;
- (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
- (d) ensure publicity for the project;
- (e) ensure that Community policies are respected, especially environment policy;
- (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

*Reports*

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

*Checks*

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

**B. Assessment**

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.

## ANNEX V

## INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 80 to 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicise the project using appropriate means, especially audiovisual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC <sup>(1)</sup> have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months of adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

<sup>(1)</sup> OJ No L 158, 23. 6. 1990, p. 56.

## ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER  
COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within a specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

## COMMISSION DECISION

of 3 May 1994

concerning the grant of assistance from the cohesion financial instrument to the project concerning the minimization and treatment of waste water in Spain

No CF: 93/11/61/091

(Only the Spanish text is authentic)

(94/708/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument <sup>(1)</sup>, as amended by Regulation (EC) No 566/94 <sup>(2)</sup>, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments <sup>(3)</sup>, amended by Regulation (EEC) No 2082/93 <sup>(4)</sup>, are to apply *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas on 14 August 1993 the Spanish Government submitted an application for assistance from the cohesion financial instrument for the project concerning the minimization and treatment of waste water in Spain;

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC) No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project will help achieve the objectives of Article 130r of the Treaty concerning the environment;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities <sup>(5)</sup>, as last amended by Regulation (Euratom, ECSC, EEC) No 610/90 <sup>(6)</sup>, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93 and the provisions contained in Annex VI;

Whereas all the other conditions laid down have been complied with,

HAS ADOPTED THIS DECISION:

## Article 1

The project concerning the minimization and treatment of waste water in Spain as described in Annex I hereto is hereby approved for the period 1 January to 31 December 1993.

<sup>(1)</sup> OJ No L 79, 1. 4. 1993, p. 74.

<sup>(2)</sup> OJ No L 72, 16. 3. 1994, p. 1.

<sup>(3)</sup> OJ No L 374, 31. 12. 1988, p. 1.

<sup>(4)</sup> OJ No L 193, 31. 7. 1993, p. 20.

<sup>(5)</sup> OJ No L 356, 31. 12. 1977, p. 1.

<sup>(6)</sup> OJ No L 70, 16. 3. 1990, p. 1.

*Article 2*

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 2 403 434.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 2 042 919.
4. The contribution is committed from the 1994 budget.

*Article 3*

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 1 021 459.

*Article 4*

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Spain and for which the requisite finance has been specifically allocated to works to be completed not later than 31 December 1993.
2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.
3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

*Article 5*

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7,

30, 52 and 59 of the Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the Treaty.

*Article 6*

Systematic monitoring and assessment of the project shall take place in accordance with the provisions set out in Annex IV hereto.

*Article 7*

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

*Article 8*

Each Annex to this Decision shall form an integral part of it.

*Article 9*

Failure to comply with the provisions of this Decision may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

*Article 10*

This Decision is addressed to Spain.

Done at Brussels, 3 May 1994.

*For the Commission*

Peter SCHMIDHUBER

*Member of the Commission*

## ANNEX I

## SUMMARY

**1. Project title**

Minimization and treatment of waste water

**2. Authority making the application**

2.1. Name: Dirección General de Planificación

2.2. Address: Paseo de la Castellana 162, 28071 Madrid

**3. Authority responsible for implementation**

3.1. Name: Secretaría de Estado de Industria

3.2. Address: Paseo de la Castellana, 160, 28071 Madrid

**4. Location**

4.1. Member State: Spain

4.2. Region: Andalusia, Aragón, Asturias, Castille-La Mancha, Catalonia, Extremadura, Navarra, País Vasco and País Valenciano

**5. Brief description**

Set of 14 projects to reduce, recycle and recover waste water by adapting the production process or recycling and reusing water. Includes projects for the treatment at source of liquid waste and treatment in external treatment plants.

**6. Principal objectives**

To further the adjustment of industry to the requirements of the environment and help create collective infrastructures for the treatment of industrial waste water.

**7. Work schedule**

Date of commencement: 1 January 1993

Date of completion: 31 December 1993

**8. Socio-economic analysis**

A cost-benefit analysis revealed the following benefits:

- saving water resources,
- reducing water pollution.

On the basis of the temporary cost-benefit profile, the IRR is 13 %.

**9. Contribution to environmental policy**

The projects are intended to achieve the objectives laid down in the Community rules concerning water quality and discharge limits.

## 10. Cost

(ECU '000) <sup>(1)</sup>

|                                                                     |           |
|---------------------------------------------------------------------|-----------|
| Total cost                                                          | 12 074,23 |
| Expenditure prior to 1 January 1993                                 | —         |
| Total eligible cost                                                 | 2 403,43  |
| Total assistance applied for from the cohesion financial instrument | 2 042,91  |

<sup>(1)</sup> ECU 1 = Pta 158,980.

## LIST OF PROJECTS INCLUDED

## MINIMIZATION AND TREATMENT OF DISCHARGED INDUSTRIAL WASTE WATER

(ECU '000) <sup>(1)</sup>

## Group: Industrial waste water

| File                                      | Title                                                                                                                                   | Firm                                                    | Proposed subsidy | %  | Province  |
|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|------------------|----|-----------|
| 2605-A                                    | Environmental improvement to the plant at Lugones, Asturias                                                                             | Laminados Oviedo Córdoba SA (Losca)                     | 270,63           | 25 | Oviedo    |
| 2840-A                                    | Waste water treatment plant for a factory manufacturing processed tomato products                                                       | Transformaciones agrícolas de Badajoz SA (Transa)       | 196,72           | 25 | Badajoz   |
| 2879-B                                    | Clasification of black residue from the cooking of cereal straw by indirect heating by means of pulse burners                           | Industrias Celulosa Aragonesa SA                        | 72,27            | 30 | Zaragoza  |
| 3320-A                                    | Implementation of phases 1 and 2 of the waste water decontamination plan for the coated board factory                                   | Sarrió SA                                               | 226,22           | 18 | Barcelona |
| 3356-A                                    | Installation of a recycling plant for industrial liquid waste                                                                           | Industrias Químicas del Vallès SA                       | 113,22           | 15 | Barcelona |
| 3372-A                                    | Waste water treatment                                                                                                                   | Prinia SA                                               | 72,27            | 20 | Álava     |
| 3459-A                                    | Biological treatment leachates                                                                                                          | Tractament Tècnic d'Escombraries SA                     | 24,51            | 25 | Barcelona |
| 3518-A                                    | Project to develop a closed system for the treatment and recycling of water used for cleaning in the manufacture of plastic water paint | Industrias Titán SA                                     | 52,29            | 20 | Barcelona |
| 3690-A                                    | Waste water treatment plant                                                                                                             | Petróleo SA                                             | 45,63            | 25 | Valencia  |
| 3693-A                                    | Reduction of discharge by evaporating stillage sludge                                                                                   | Agrupación Alcohólica de Bodegas Cooperativas 'Agralco' | 107,67           | 15 | Navarra   |
| 3879-A                                    | Production of completely chlorine-free cellulose paste                                                                                  | Celulosas de Asturias SA                                | 1 004,91         | 20 | Oviedo    |
| Total number of projects in the group: 11 |                                                                                                                                         |                                                         | 2 186,35         |    |           |

## Group: Municipal treatment plants

| File                                     | Title                                                                       | Firm                                     | Proposed subsidy | %  | Province    |
|------------------------------------------|-----------------------------------------------------------------------------|------------------------------------------|------------------|----|-------------|
| 1851-A                                   | Expansion of water treatment plant                                          | Aguas de Alcázar Empresa Municipal SA    | 84,42            | 30 | Ciudad Real |
| 2727-A                                   | Treatment of discharge from the oil manufacturing site at Alcolea (Córdoba) | Empresa Municipal de Aguas de Córdoba SA | 87,43            | 10 | Córdoba     |
| 3312-A                                   | Overall programme to optimize waste water treatment by CIV                  | Concentración Industrial Vallesana       | 45,23            | 30 | Barcelona   |
| Total number of projects in the group: 3 |                                                                             |                                          | 217,08           |    |             |
| Total number of projects: 14             |                                                                             |                                          | 2 403,43         |    |             |

<sup>(1)</sup> ECU 1 = Pta 158,980.

## ANNEX II

## FINANCING PLAN

Project: 93/11/61/091

(ECU '000)

| Year  | Total cost <sup>(1)</sup> | Public expenditure       |       |                     |       |                      |       |                    |       |       | Private sector |         | Community loans |
|-------|---------------------------|--------------------------|-------|---------------------|-------|----------------------|-------|--------------------|-------|-------|----------------|---------|-----------------|
|       |                           | Total public expenditure |       | Cohesion instrument |       | National authorities |       |                    |       | Other |                |         |                 |
|       |                           |                          |       |                     |       | Total                |       | Central government | Other |       |                |         |                 |
|       | 1=2+11                    | 2=4+6+10                 | 3=2/1 | 4                   | 5=4/2 | 6=8+9                | 7=6/2 | 8                  | 9     | 10    | 11             | 12=11/1 | 13              |
| 1993  | 12 074,229                | 2 403,434                | 20    | 2 042,919           | 85    | 360,517              | 15    | 360,517            |       |       | 9 670,795      | 80      |                 |
| 1994  |                           |                          |       |                     |       |                      |       |                    |       |       |                |         |                 |
| 1995  |                           |                          |       |                     |       |                      |       |                    |       |       |                |         |                 |
| Total | 12 074,229                | 2 403,434                | 20    | 2 042,919           | 85    | 360,517              | 15    | 360,517            |       |       | 9 670,795      | 80      |                 |

<sup>(1)</sup> Total eligible cost of project.

## ANNEX III

## FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

## Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of the Decision according to the procedures described in point 12.

## Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

## Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Regulation (EEC) No 4253/88. If the authority does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

**Procedure for amending the project Decision**

12. Any amendments to the Decision shall be made in accordance with the following procedures:
- (a) Amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
  - (b) In the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10 % of the total expenditure planned for the project shall not be regarded as a substantial change of the financing plan and the schedule of expenditure.

**Procedure for closing a project**

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.

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**ANNEX IV****MONITORING AND ASSESSMENT**

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

**A. Monitoring**

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
- the Monitoring Committee set up by each Member State concerned,
  - reports,
  - sample checks.

**Monitoring Committee**

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Spain shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Spain.

## 5. The Committee shall:

- (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
- (b) give its opinion on the draft annual reports on implementation referred to in point 6;
- (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
- (d) ensure publicity for the project;
- (e) ensure that Community policies are respected, especially environment policy;
- (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

*Reports*

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

*Checks*

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

**B. Assessment**

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.

## ANNEX V

## INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicise the project using appropriate means, especially audio-visual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure that there is transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC <sup>(1)</sup> have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months after the adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

<sup>(1)</sup> OJ No L 158, 23. 6. 1990, p. 56.

## ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER  
COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within a specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

## COMMISSION DECISION

of 3 May 1994

concerning the grant of assistance from the cohesion financial instrument to the project concerning the elimination of vegetable water in Spain

No CF: 93/11/61/092

(Only the Spanish text is authentic)

(94/709/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument <sup>(1)</sup>, as amended by Regulation (EC) No 566/94 <sup>(2)</sup>, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments <sup>(3)</sup>, amended by Regulation (EEC) No 2082/93 <sup>(4)</sup>, are to apply *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas on 14 August 1993 the Spanish Government submitted an application for assistance from the cohesion financial instrument for the project concerning the elimination of vegetable water in Spain;

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC) No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project will help achieve the objectives of Article 130r of the Treaty concerning the environment;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities <sup>(5)</sup>, as last amended by Regulation (Euratom, ECSC, EEC) No 610/90 <sup>(6)</sup>, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93 and the provisions contained in Annex VI;

Whereas all the other conditions laid down have been complied with,

HAS ADOPTED THIS DECISION:

## Article 1

The project concerning the elimination of vegetable water in Spain as described in Annex I hereto is hereby approved for the period 1 January to 31 December 1993.

<sup>(1)</sup> OJ No L 79, 1. 4. 1993, p. 74.

<sup>(2)</sup> OJ No L 72, 16. 3. 1994, p. 1.

<sup>(3)</sup> OJ No L 374, 31. 12. 1988, p. 1.

<sup>(4)</sup> OJ No L 193, 31. 7. 1993, p. 20.

<sup>(5)</sup> OJ No L 356, 31. 12. 1977, p. 1.

<sup>(6)</sup> OJ No L 70, 16. 3. 1990, p. 1.

*Article 2*

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 6 496 899.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 5 522 361.
4. The contribution is committed from the 1994 budget.

*Article 3*

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 2 761 180.

*Article 4*

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Spain and for which the requisite finance has been specifically allocated to works to be completed not later than 31 December 1993.
2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.
3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

*Article 5*

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7,

30, 52 and 59 of the Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the Treaty.

*Article 6*

Systematic monitoring and assessment of the project shall take place in accordance with the provisions set out in Annex IV hereto.

*Article 7*

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

*Article 8*

Each Annex to this Decision shall form an integral part of it.

*Article 9*

Failure to comply with the provisions of this Decision may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

*Article 10*

This Decision is addressed to Spain.

Done at Brussels, 3 May 1994.

*For the Commission*

Peter SCHMIDHUBER

*Member of the Commission*

**ANNEX I****SUMMARY****1. Project title**

Elimination of vegetable water

**2. Authority making the application**

2.1. Name: Dirección General de Planificación

2.2. Address: Paseo de la Castellana 162, 28071 Madrid

**3. Authority responsible for implementation**

3.1. Name: Secretaría de Estado de Industria

3.2. Address: Paseo de la Castellana 160, 28071 Madrid

**4. Location**

4.1. Member State: Spain

4.2. Region: Andalusia, Extremadura, Castille-La Mancha, Catalonia

**5. Brief description**

A set of 162 projects to eliminate the vegetable water produced in olive oil mills. Each project involves modifying the olive oil production units to incorporate new technology for processing olive oil without producing vegetable water.

**6. Principal objectives**

To achieve a saving in water resources estimated at one litre of water per kilogram of processed olives and to reduce the quantity of vegetable water produced by between 35 % and 40 %.

**7. Work schedule**

Date of commencement: 1 January 1993

Date of completion: 31 December 1993

**8. Socio-economic analysis**

A cost-benefit analysis revealed the following benefits:

- saving water resources,
- eliminating air, water and soil pollution.

On the basis of the temporary cost-benefit profile, the IRR is 37,7 %.

**9. Contribution to environmental policy**

Preventing pollution at source by introducing clean technology into the olive-oil production process. The new technology also results in savings in water and minimizes the production of residues generated by the processes currently used.

## 10. Cost

|                                                                     | (ECU '000 <sup>(1)</sup> ) |
|---------------------------------------------------------------------|----------------------------|
| Total cost                                                          | 41 282,91                  |
| Expenditure prior to 1 January 1993                                 | —                          |
| Total eligible cost                                                 | 6 496,90                   |
| Total assistance applied for from the cohesion financial instrument | 5 522,36                   |

(<sup>1</sup>) ECU 1 = Pta 158,980.

## LIST OF PROJECTS INCLUDED

## ELIMINATION OF VEGETABLE WATER

(ECU '000 <sup>(1)</sup>)

## Group: Elimination of vegetable water

| File   | Title                                                                                                                              | Firm                                                            | Proposed subsidy | %     | Province |
|--------|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|------------------|-------|----------|
| 2307-A | Technological improvement in the manufacture of olive oil                                                                          | Aceites Fuentegrande SA                                         | 64,16            | 15,00 | Córdoba  |
| 2308-A | Technological improvement in the manufacture of olive oil without producing vegetable water                                        | Salto del Caballo SL                                            | 36,80            | 15,00 | Córdoba  |
| 2676-A | Installation of oil mill which does not produce vegetable water                                                                    | Cooperativa del Campo San Isidro                                | 27,36            | 15,00 | Albacete |
| 2677-A | Installation of oil mill which does not produce vegetable water                                                                    | Cooperativa del Campo La Unión                                  | 27,36            | 15,00 | Albacete |
| 2679-A | Installation of oil mill which does not produce vegetable water                                                                    | Cooperativa del Campo San José                                  | 27,36            | 15,00 | Albacete |
| 2726-A | Installation of two ecological continuous lines (FW-75)                                                                            | San Francisco de Asís Sociedad Cooperativa Andaluza             | 75,48            | 15,00 | Granada  |
| 2752-A | Transformation of a continuous system into an ecological continuous system                                                         | Sociedad Cooperativa del Campo Nuestra Señora de la Consolación | 4,72             | 25,00 | Jaén     |
| 2753-A | Installation of an ecological continuous line                                                                                      | Sociedad Cooperativa San Juan de la Cruz                        | 35,85            | 15,00 | Jaén     |
| 2755-A | Installation of an ecological continuous line                                                                                      | Sociedad Cooperativa del Campo San Pedro Advincula              | 35,85            | 15,00 | Jaén     |
| 2756-A | Installation of an ecological continuous line                                                                                      | Cooperativa y Caja Rural San Blas                               | 35,85            | 15,00 | Jaén     |
| 2766-A | Transformation of current unit into three ecological continuous lines (FW-75)                                                      | Rafaela Díaz Vargas                                             | 53,11            | 25,00 | Jaén     |
| 2768-A | Transformation of a continuous system into an ecological continuous system                                                         | Sociedad Cooperativa Andaluza Nuestra Señora de la Cabeza       | 17,86            | 25,00 | Jaén     |
| 2770-A | Installation of an ecological continuous line (FW-200)                                                                             | Sociedad Cooperativa Andaluza Olivarrera Señora de Guadalupe    | 175,65           | 25,00 | Córdoba  |
| 2771-A | Transformation of olive-oil extraction into a clean process without discharge                                                      | Cooperativa del Campo Santísimo Cristo de la Vera               | 74,10            | 15,40 | Jaén     |
| 2779-A | Conversion of decanters into ecological ones                                                                                       | Aceite La Casería de Santa Julia SL                             | 6,29             | 25,00 | Jaén     |
| 2780-A | Substitution of the existing three-phase continuous lines for an ecological continuous line with a capacity of 150 000 kg/24 hours | Cooperativa Nueva Esperanza                                     | 6,29             | 25,00 | Jaén     |

| File   | Title                                                                                                                                                | Firm                                                                | Proposed subsidy | %     | Province    |
|--------|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|------------------|-------|-------------|
| 2793-A | Transformation of the oil mill equipment into a two-phase integral continuous system to eliminate liquid waste                                       | Sociedad Cooperativa Agrícola Santísimo Cristo de la Salud          | 3,15             | 25,00 | Cuenca      |
| 2794-A | Installation of oil mill which does not produce vegetable water                                                                                      | Cooperativa del Campo Santa Agüeda                                  | 28,31            | 15,00 | Albacete    |
| 2795-A | Installation of oil mill which does not produce vegetable water                                                                                      | Cooperativa del Campo Nuestra Señora de la Fuente                   | 28,31            | 15,00 | Albacete    |
| 2797-A | Installation of an ecological line with a capacity of 75 000 kg/day and a drier                                                                      | Aceites Morales SA                                                  | 50,95            | 15,00 | Granada     |
| 2803-A | Installation of a continuous system and vegetable water treatment plant for the production of olive oil without discharge                            | Sociedad Cooperativa Nuestra Señora del Rosario                     | 34,91            | 15,00 | Jaén        |
| 2804-A | Installation of a system for filtering the gases emitted by the pomace boiler and drier                                                              | Cooperativa Agrícola de Rute Sociedad Cooperativa Andaluza          | 15,69            | 25,00 | Córdoba     |
| 2805-A | Installation of a continuous system for the extraction of olive oil to achieve clean two-phase production without discharge                          | Sociedad Cooperativa Andaluza Agraria San José                      | 37,74            | 15,00 | Jaén        |
| 2806-A | Transformation of two two-phase decanters each with a theoretical capacity of 30 t/24 hours into two-phase decanters by means of transformation kits | Sociedad Cooperativa Andaluza Agraria San José                      | 3,77             | 15,00 | Jaén        |
| 2809-A | Improvement of oil mill by installing ecological decanters                                                                                           | Sociedad Cooperativa Andaluza Santa Lucía                           | 33,02            | 15,00 | Jaén        |
| 2823-A | Transformation of the existing three-phase line with a capacity of 60 t/24 hours into a two-phase line by means of two transformation kits           | Cooperativa Nueva Esperanza                                         | 65,39            | 15,00 | Jaén        |
| 2826-A | Installation for the manufacture of olive oil without producing vegetable water                                                                      | Cooperativa del Campo San Felipe Apóstol                            | 36,80            | 15,00 | Jaén        |
| 2834-A | Transformation into two ecological continuous lines (FW-75)                                                                                          | Cooperativa Agraria 'San Isidro'                                    | 22,12            | 25,00 | Jaén        |
| 2842-A | Installation of an ecological continuous line (FW-75)<br>Transformation of the current continuous line                                               | Baltasar Lara y Compañía SA                                         | 35,85            | 15,00 | Jaén        |
| 2890-A | Modernization and perfecting of oil mill                                                                                                             | Sociedad Cooperativa Andaluza Olivarrera Santa Rita                 | 50,95            | 15,00 | Málaga      |
| 2909-A | Overhaul and modernization of oil mill                                                                                                               | Sociedad Cooperativa del Campo Santiago Apóstol                     | 37,74            | 15,00 | Ciudad Real |
| 2911-A | Installation of a continuous system for the extraction of olive oil                                                                                  | Olior Porcuna SA                                                    | 35,85            | 15,00 | Jaén        |
| 2913-A | Transformation of the olive-oil extraction process to achieve clean and ecological production                                                        | Sociedad Cooperativa Andaluza Nuestra Señora del Rosario y San Blas | 34,91            | 15,00 | Jaén        |
| 2914-A | Transformation of olive-oil extraction in order to achieve clean production without discharge                                                        | Cooperativa Agrícola y Caja Rural Virgen de Zocueca                 | 69,82            | 15,00 | Jaén        |
| 2915-A | Olive-oil manufacturing plant without production of vegetable water                                                                                  | Sociedad Cooperativa Nuestra Señora del Rosario y San Juan          | 37,74            | 15,00 | Jaén        |
| 2931-A | Installation of an ecological continuous line model (FW-75)                                                                                          | Diego García La Moneda                                              | 41,04            | 15,00 | Jaén        |
| 2948-A | Overhaul and improvement of oil mill                                                                                                                 | Cooperativa del Campo y la Ganadería Nuestra Señora de la Sierra    | 31,25            | 15,00 | Ciudad Real |

| File   | Title                                                                                                                                                                 | Firm                                                                         | Proposed subsidy | %     | Province    |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|------------------|-------|-------------|
| 2950-A | Transformation of the three-phase continuous system into a two-phase one and installation of a two-phase continuous system for the production of 200 t/day            | Sociedad Cooperativa del Campo y Sección de Crédito la Vera Cruz             | 69,82            | 15,00 | Jaén        |
| 2962-A | Transformation of a continuous line into an ecological continuous line                                                                                                | Sociedad Cooperativa del Campo San Benito                                    | 9,18             | 25,00 | Jaén        |
| 2965-A | Fine tuning and technological improvement of the olive-oil manufacturing process without production of vegetable water                                                | SCA Cooperativa Nuestra Señora de la Candelaria                              | 26,70            | 15,00 | Málaga      |
| 2967-A | Modernization and environmental adjustment of oil mill                                                                                                                | Cooperativa del Campo Nuestra Señora de los Remedios de Calzada de Calatrava | 28,31            | 15,00 | Ciudad Real |
| 2968-A | Transformation of the two-phase continuous system                                                                                                                     | Cooperativa del Campo y Caja Rural Nuestra Señora del Rosario de Jamilena    | 1,89             | 25,00 | Jaén        |
| 2969-A | Transformation of oil mill into ecological system by installing three lines with a capacity of 75 000 kg/day and a pomace drier                                       | Sociedad Cooperativa Andaluza Santa Clara                                    | 112,28           | 15,00 | Jaén        |
| 2972-A | Improvement of oil mill by installing a continuous line without production of vegetable water                                                                         | Las Fontanillas SA                                                           | 34,91            | 15,00 | Córdoba     |
| 2979-A | Overhaul and improvement of oil mill to eliminate discharges of vegetable water                                                                                       | Cooperativa y Caja Rural 'Nuestra Señora del Salobrar'                       | 33,40            | 15,00 | Cáceres     |
| 2980-A | Overhaul and improvement to eliminate discharge of vegetable water                                                                                                    | Sociedad Cooperativa Limitada la Peraliega                                   | 28,31            | 15,00 | Cáceres     |
| 2984-A | Overhaul of oil mill to eliminate vegetable water                                                                                                                     | Cooperativa Olivarrera Nuestra Señora del Rosario de Luque                   | 51,89            | 15,00 | Córdoba     |
| 2995-A | Elimination of vegetable water and installation of two-phase decanter                                                                                                 | Cooperativa Agrícola Virgen del Castillo                                     | 77,84            | 15,00 | Córdoba     |
| 2996-A | Installation of an ecological continuous line for the extraction of olive oil (model FW-75) without production of vegetable water                                     | Manuel Montes Marín                                                          | 35,85            | 15,00 | Córdoba     |
| 3008-A | Transformation of two-phase continuous olive-milling systems                                                                                                          | Sociedad Cooperativa Agraria Andaluza Nuestra Señora del Carmen              | 10,38            | 25,00 | Jaén        |
| 3009-A | Transformation of two-phase horizontal decanters so as not to use water or produce vegetable water                                                                    | Sociedad Cooperativa Andaluza Sagrado Corazón de Jesús                       | 8,18             | 25,00 | Jaén        |
| 3010-A | Modernization of oil mill with ecological manufacturing system                                                                                                        | Aceites Axarquía SL                                                          | 21,12            | 15,00 | Málaga      |
| 3011-A | Installation of two-phase olive oil extraction equipment which does not use water or produce vegetable water                                                          | Sociedad Cooperativa Andaluza Nuestra Señora del Pilar                       | 4,95             | 25,00 | Jaén        |
| 3017-A | Installation of two-phase oil extractor, vegetable water treatment plant and introduction of the 'incoson' method to eliminate water used for washing olives and oils | Olivarrera Sociedad Cooperativa Andaluza Nuestra Señora del Rosario          | 35,85            | 15,00 | Córdoba     |
| 3027-A | Correction of industrial processes producing liquid pollutants in olive mills                                                                                         | Sociedad Cooperativa Andaluza San Juan Bautista'                             | 37,03            | 15,00 | Jaén        |
| 3028-A | Transformation to four ecological continuous lines (FW-75)                                                                                                            | Sociedad Cooperativa Agraria Andaluza San Francisco                          | 29,37            | 25,00 | Jaén        |
| 3052-A | Replacement of the traditional olive-milling presses with a continuous two-phase system of centrifugation not using water or producing vegetable water                | Cooperativa del Campo San Agustín de Linares                                 | 25,95            | 25,00 | Jaén        |

| File   | Title                                                                                                                                                                               | Firm                                                                               | Proposed subsidy | %     | Province |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|------------------|-------|----------|
| 3053-A | Transformation of a continuous line into an ecological line (FW-75)                                                                                                                 | Cooperativa y Caja Rural Nuestra Señora de Guadalupe                               | 25,95            | 25,00 | Jaén     |
| 3054-A | Industrial correction of production of liquid pollutants in olive mills                                                                                                             | Sociedad Cooperativa Andaluza San Juan Bautista                                    | 77,93            | 15,00 | Jaén     |
| 3063-A | Industrial correction of production of liquid pollutants in olive mills                                                                                                             | Cooperativa y Caja Rural San Marcos                                                | 45,92            | 15,00 | Jaén     |
| 3064-A | Installation of a two-phase continuous system and vegetable-water treatment plant                                                                                                   | Sociedad Cooperativa del Campo Nuestra Señora de la Fuensanta                      | 66,80            | 15,00 | Jaén     |
| 3066-A | Transformation of the existing Fuentes-Westfalia three-phase line into an ecological continuous line and installation of an ecological decanter with a capacity of 75t/24 hours     | Cooperativa Agraria Nuestra Señora de la Consolación Sociedad Cooperativa Andaluza | 44,36            | 16,40 | Jaén     |
| 3074-A | Installation of a two-phase continuous system which does not use water or produce vegetable water                                                                                   | Juan López Martínez                                                                | 19,66            | 25,00 | Jaén     |
| 3075-A | Installation of an ecological two-phase continuous system                                                                                                                           | Sociedad Cooperativa Andaluza del Campo Nuestra Señora de la Asunción y San José   | 66,80            | 15,00 | Jaén     |
| 3085-A | Industrial correction of production of liquid pollutants in olive mills                                                                                                             | Sociedad Cooperativa Andaluza Nuestra Señora de Nazaret                            | 74,54            | 15,00 | Jaén     |
| 3089-A | Transformation to two-phase of olive-oil extractor, introduction of the 'insocón' (controlled superficial infiltration) method and installation of a vegetable-water treatment unit | Marín Serrano el Lagar SL                                                          | 10,22            | 25,00 | Córdoba  |
| 3090-A | Installation of a centrifugal decanter using minimal water (two-phase)                                                                                                              | Aceites Montreal SA                                                                | 33,26            | 25,00 | Córdoba  |
| 3095-A | Installation of a two-phase ecological continuous line for the manufacture of olive oil                                                                                             | Cooperativa Agrícola la Aurora SCA                                                 | 35,85            | 15,00 | Córdoba  |
| 3096-A | Technological overhaul of olive mill to eliminate vegetable water                                                                                                                   | Cooperativa Olivarera San Rafael SCA                                               | 19,81            | 15,00 | Córdoba  |
| 3097-A | Technological improvement of the manufacture of olive oil without production of vegetable water                                                                                     | Cooperativa Olivarera Nuestra Señora de Villaviciosa                               | 34,91            | 15,00 | Córdoba  |
| 3101-A | Plant for manufacture of olive oil without production of vegetable water                                                                                                            | Cooperativa del Campo Nuestra Señora Asunción de Orcera                            | 55,20            | 15,00 | Jaén     |
| 3102-A | Installation of continuous two-phase extraction system and introduction of the controlled superficial infiltration (insocón) process                                                | Sociedad Cooperativa Andaluza Olivarera Cerealista Nuestra Señora del Valle        | 15,73            | 25,00 | Córdoba  |
| 3117-A | Installation of an ecological continuous line (FW-30)                                                                                                                               | Agrícola Santa Catalina Martín Sociedad Cooperativa Andaluza de Arenas             | 27,12            | 15,00 | Málaga   |
| 3118-A | Adjustment of olive mill to meet environmental standards by installing an ecological continuous line                                                                                | Cooperativa Nuestra Señora de la Antigua                                           | 75,48            | 15,00 | Toledo   |
| 3133-A | Rationalization and technological improvement of the olive-oil manufacturing process without production of vegetable water                                                          | Sociedad Cooperativa Andaluza Olivarera la Purísima de Priego de Córdoba           | 35,85            | 15,00 | Córdoba  |
| 3144-A | Industrial correction of production of liquid pollutants in olive mill                                                                                                              | Sociedad Cooperativa San Isidro Labrador                                           | 37,03            | 15,00 | Jaén     |
| 3145-A | Installation of ecological continuous line (FW-75)                                                                                                                                  | Luis Asenjo Hernández                                                              | 41,04            | 15,00 | Granada  |

| File   | Title                                                                                                                                                                                                     | Firm                                                                         | Proposed subsidy | %     | Province |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|------------------|-------|----------|
| 3160-A | Technological improvement of olive mill by installing two-phase continuous extraction system and introducing the 'insocon' process                                                                        | Cooperativa Agrícola de Iznajar                                              | 35,38            | 15,00 | Córdoba  |
| 3166-A | Modernization and improvement of olive mill                                                                                                                                                               | Oleoliva SA                                                                  | 69,82            | 15,00 | Málaga   |
| 3171-A | Rationalization and technical improvement of the olive-oil manufacturing process without production of vegetable water                                                                                    | Aceites Cruz Blanca SL                                                       | 35,85            | 15,00 | Córdoba  |
| 3173-A | Installation of an ecological continuous line (FW-30)                                                                                                                                                     | Agrícola Santa Catalina<br>Martín Sociedad<br>Cooperativa Andaluza de Arenas | 27,12            | 15,00 | Jaén     |
| 3174-A | Overhaul and improvement of olive mill to prevent discharge of vegetable water                                                                                                                            | Juan Manuel García Tomé                                                      | 27,12            | 15,00 | Badajoz  |
| 3177-A | Manufacture of virgin olive oil                                                                                                                                                                           | Sociedad Cooperativa Andaluza Olivarrera San Juan Bautista                   | 69,19            | 15,00 | Málaga   |
| 3178-A | Improvement of olive mill in Almargen                                                                                                                                                                     | Sociedad Cooperativa Andaluza Agroolivarrera San Cosme y San Damián          | 3,77             | 25,00 | Málaga   |
| 3179-A | Technological improvement of olive mill by installing a (two-phase) continuous system for the extraction of virgin olive oil with low water input and the 'insocon' process and eliminating washing water | Cooperativa Olivarrera Nuestra Señora del Carmen                             | 30,00            | 15,00 | Córdoba  |
| 3180-A | Modernization and improvement of olive mill at Fuente de Piedra                                                                                                                                           | Sociedad Cooperativa Andaluza Agraria Virgen de las Virtudes                 | 34,91            | 15,00 | Málaga   |
| 3215-A | Measures to equip an olive-oil factory with an ecological system which does not consume water                                                                                                             | Cooperativa de Labradores de Alcorisa                                        | 21,67            | 16,10 | Teruel   |
| 3217-A | Technological improvement of olive mill by installing a two-phase continuous olive-oil extraction system and introducing the 'insocon' process to eliminate water                                         | Patrimonio Comunal Olivarero                                                 | 59,52            | 18,25 | Córdoba  |
| 3227-A | Extension, modernization and improvement of olive mill                                                                                                                                                    | Sociedad Cooperativa Andaluza Olivarrera San Isidro                          | 37,27            | 15,00 | Málaga   |
| 3228-A | Modernization and improvement of olive mill                                                                                                                                                               | Sociedad Cooperativa Andaluza Agropecuaria de Antequera                      | 17,96            | 25,00 | Málaga   |
| 3229-A | Transformation of horizontal decanters and installation of a vegetable water treatment unit                                                                                                               | Sociedad Cooperativa Andaluza Virgen de la Capilla                           | 14,15            | 25,00 | Jaén     |
| 3258-A | Installation of a two-phase continuous system which does not use water or produce vegetable water                                                                                                         | Sociedad Cooperativa Andaluza Nuestra Señora de los Remedios                 | 30,19            | 15,00 | Jaén     |
| 3264-A | Installation of two ecological continuous lines (FW-75)                                                                                                                                                   | Cooperativa del Campo Unión de Úbeda                                         | 26,73            | 25,00 | Jaén     |
| 3271-A | Rationalization and technological improvement of the olive-oil manufacturing process without production of vegetable water                                                                                | Cooperativa Aceitera y Caja Rural San Sebastián                              | 113,32           | 15,00 | Granada  |
| 3277-A | Installation of two-phase oil extractor (without production of vegetable water) and introduction of 'insocon' method to eliminate water used for washing olives and oil                                   | Cooperativa Olivarrera y Caja Rural Nuestra Señora de Guía                   | 19,81            | 15,00 | Córdoba  |
| 3278-A | Rationalization and technological improvement of the olive-oil manufacturing process without production of vegetable water                                                                                | Sociedad Cooperativa San Eulogio                                             | 35,85            | 15,00 | Jaén     |
| 3279-A | Manufacture of olive oil                                                                                                                                                                                  | Cooperativa del Campo Nuestro Padre Jesús el Llano                           | 35,85            | 15,00 | Jaén     |

| File   | Title                                                                                                                                                                                       | Firm                                                                       | Proposed subsidy | %     | Province  |
|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|------------------|-------|-----------|
| 3280-A | Rationalization and technical improvement of the olive-oil manufacturing process without production of vegetable water                                                                      | Cooperativa del Campo Nuestra Señora Rosario de Beas de Segura             | 30,26            | 15,00 | Jaén      |
| 3281-A | Introducing new technology to manufacture olive oil without polluting discharges and making energy and water savings                                                                        | Hermenegildo Romero Ruiz                                                   | 41,50            | 15,90 | Jaén      |
| 3283-A | Olive oil extraction                                                                                                                                                                        | Cooperativa del Campo y Caja Rural Nuestra Señora del Pilar                | 16,51            | 25,00 | Jaén      |
| 3284-A | Transformation of existing three-phase Humboldt line into an ecological continuous line and installation of an ecological continuous line (model FW-225) to replace the 12 existing presses | Cooperativa y Caja Rural Nuestro Padre Jesús                               | 112,28           | 15,00 | Jaén      |
| 3285-A | Adaptation of current continuous line into an ecological continuousline (FW-75)                                                                                                             | Antonio Gallegos Gálvez                                                    | 27,59            | 15,00 | Granada   |
| 3286-A | Installation of two-phase continuous system for clean production without discharge and water consumption                                                                                    | Torres Morente SA                                                          | 62,74            | 15,00 | Granada   |
| 3287-A | Modification of olive mill to introduce a system which does not produce vegetable water                                                                                                     | Cooperativa Jesús de Nazaret                                               | 1,89             | 25,00 | Jaén      |
| 3387-A | Modernization of olive mill                                                                                                                                                                 | Cooperativa del Campo de Enguera y Sección de Crédito Cooperativa Vinícola | 22,64            | 15,00 | Valencia  |
| 3388-A | Modernization of olive mill                                                                                                                                                                 | Cooperativa Vinícola Onteniense                                            | 28,31            | 15,00 | Valencia  |
| 3390-A | Modernization of district olive mill                                                                                                                                                        | Cooperativa Agrícola Valencia Valle de Ayora                               | 46,67            | 15,00 | Valencia  |
| 3391-A | Modernization of olive mill                                                                                                                                                                 | Cooperativa Vinícola la Viña                                               | 27,15            | 15,00 | Valencia  |
| 3421-A | Installation of an ecological continuous line (model FW-75) with a capacity of 75 000 kg/day                                                                                                | Cooperativa Agrícola i Caixa Agrària de La Palma d'Ebre                    | 48,42            | 15,00 | Tarragona |
| 3427-A | Remodelling of olive mill in the communal area of Jaén                                                                                                                                      | Aceites Cortinas SL                                                        | 26,97            | 15,00 | Jaén      |
| 3436-A | Installation in olive mill of continuous plant with ecological centrifugation                                                                                                               | Cooperativa Agrícola de La Bisbal de Penedès                               | 29,87            | 15,00 | Baleares  |
| 3437-A | Transformation of the current plant into two ecological continuous lines (model FW-75) and installation of an ecological continuous line (model FW-150)                                     | Sociedad Cooperativa del Campo La Carrera                                  | 86,46            | 15,80 | Jaén      |
| 3439-A | Rationalization and technological improvement of the olive-oil manufacturing process without production of vegetable water                                                                  | Sociedad Cooperativa Nuestra Señora del Olivo                              | 73,59            | 15,00 | Jaén      |
| 3441-A | Overhaul of olive mill and installation of ecological decanters                                                                                                                             | Sociedad Cooperativa Andaluza Agrícola de Bailén                           | 24,53            | 15,00 | Jaén      |
| 3442-A | Transformation of the olive-oil production system                                                                                                                                           | Sociedad Cooperativa Andaluza Bedmareense                                  | 69,35            | 15,00 | Jaén      |
| 3443-A | Transformation of decanter from three-phase to two-phase without consumption of water or production of vegetable water                                                                      | Sociedad Cooperativa del Campo Agrolea                                     | 4,09             | 25,00 | Jaén      |
| 3444-A | Installation and transformation of the continuous system to obtain oil without production of vegetable water                                                                                | Sociedad Cooperativa Agraria San Isidro                                    | 6,29             | 25,00 | Jaén      |
| 3445-A | Overhaul of olive mill, installation of ecological decanters                                                                                                                                | Aceitunera Andaluza SA                                                     | 200,40           | 15,00 | Jaén      |

| File   | Title                                                                                                                                                                                  | Firm                                                                               | Proposed subsidy | %     | Province  |
|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|------------------|-------|-----------|
| 3446-A | Replacement of classical milling system with presses by an ecological line with a capacity of 150 t/24 hours                                                                           | Cooperativa y Caja Rural San Antonio Abad de Arquillos                             | 73,59            | 15,00 | Jaén      |
| 3451-A | Installation of integral two-phase ecological continuous system                                                                                                                        | Cooperativa del Campo Nuestra Señora del Rosario de Fuente del Rey                 | 66,80            | 15,00 | Jaén      |
| 3452-A | Transformation kit for two M-3 decanters                                                                                                                                               | Cooperativa y Caja Rural Sagrado Corazón de Jesús                                  | 3,77             | 25,00 | Jaén      |
| 3453-A | Plant for the manufacture of olive oil without production of vegetable water                                                                                                           | Cooperativa del Campo San Vicente de Mogón                                         | 69,35            | 15,00 | Jaén      |
| 3454-A | Installation of an ecological continuous line with a capacity of 100 000 kg/24 hours                                                                                                   | Sociedad Cooperativa Andaluza Agrícola Olivarrera San Antonio de La Carolina       | 36,04            | 15,00 | Jaén      |
| 3464-A | Improvement of olive mill by installing a continuous line without production of vegetable water                                                                                        | Aceitera del Guadalquivir SA                                                       | 49,06            | 15,00 | Málaga    |
| 3467-A | Rationalization and technological improvement of the olive-oil manufacturing process without production of vegetable water                                                             | Cooperativa Olivarrera y Cerealista Nuestro Padre Jesús                            | 59,35            | 18,50 | Córdoba   |
| 3469-A | Technological improvement of olive mill                                                                                                                                                | Cooperativa Olivarrera San Isidro Sociedad Cooperativa Andaluza                    | 61,33            | 15,00 | Córdoba   |
| 3478-A | Technological improvement of olive mill: installation of continuous system for extraction of virgin olive oil with low water input (two-phase) and introduction of infiltration method | Hermanos Muela García SL                                                           | 37,27            | 15,00 | Granada   |
| 3479-A | Rationalization and technological improvement of the olive-oil manufacturing process without production of vegetable water                                                             | Sociedad Cooperativa Andaluza Olivarrera San José de Llanos de Don Juan            | 74,07            | 15,00 | Córdoba   |
| 3481-A | Adaptation of olive mill to eliminate vegetable water                                                                                                                                  | Antonio Cano e Hijos SA                                                            | 38,39            | 16,70 | Córdoba   |
| 3483-A | Rationalization and technological improvement of the olive-oil manufacturing process without production of vegetable water                                                             | Oleocampiña SA                                                                     | 15,18            | 25,00 | Córdoba   |
| 3492-A | Installation of energy-saving olive-oil manufacturing plant without consumption of water and with elimination of vegetable water                                                       | Consorcio Intercooperativo Baix Maestrat                                           | 56,61            | 15,00 | Castellón |
| 3512-A | Integral two-phase continuous olive-oil production plant                                                                                                                               | Cooperativa del Campo San Isidro Labrador                                          | 28,31            | 15,00 | Ávila     |
| 3527-A | Technological improvement of olive mill with installation of two-phase olive-oil extraction system and introduction of method to eliminate washing water                               | Cooperativa Olivarrera Nuestro Padre Jesús Nazareno, Sociedad Cooperativa Andaluza | 23,32            | 15,00 | Córdoba   |
| 3544-A | Installation of an ecological continuous line (model FW-30)                                                                                                                            | Moreno Anaya Manuel                                                                | 27,12            | 15,00 | Jaén      |
| 3551-A | Adaptation of olive mill by installing a two-phase continuous line                                                                                                                     | Sociedad Cooperativa Agrícola de Roquetas                                          | 26,89            | 15,00 | Tarragona |
| 3553-A | Adaptation of olive mill by installing a two phase continuous line                                                                                                                     | Sociedad Cooperativa Agrícola de Jesús                                             | 37,74            | 15,00 | Tarragona |
| 3554-A | Adaptation of olive mill by installing a two-phase continuous line                                                                                                                     | Cooperativa Agrícola de Santiago                                                   | 41,04            | 15,00 | Tarragona |
| 3564-A | Installation of ecological continuous system for extraction of olive oil                                                                                                               | Sociedad Cooperativa Agraria Andaluza San Amador                                   | 73,59            | 15,00 | Jaén      |

| File   | Title                                                                                                                      | Firm                                                                                    | Proposed subsidy | %     | Province  |
|--------|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|------------------|-------|-----------|
| 3570-A | Technological improvement of olive mill by installing continuous virgin olive-oil extraction system                        | Hermanos Muela García SL                                                                | 37,27            | 15,00 | Córdoba   |
| 3576-A | Technological improvement of olive mill: installation of ecological decanters                                              | Hermanos Rodríguez Cabrera SA                                                           | 62,27            | 15,00 | Jaén      |
| 3606-A | Transformation of oil extraction plant into ecological system and installation of pomace drier                             | Cooperativa Agrícola i Caixa Agrària de Cambrils Societat Cooperativa Catalana Limitada | 16,67            | 25,00 | Tarragona |
| 3615-A | Installation of an ecological continuous line                                                                              | Aceites Sierra de Cazorla SL                                                            | 35,85            | 15,00 | Jaén      |
| 3618-A | Installation of an ecological continuous line (model FW-75)                                                                | Cooperativa del Campo y Rural Nuestra Señora del Perpetuo Socorro                       | 25,95            | 15,00 | Córdoba   |
| 3621-A | Improvement of olive mill                                                                                                  | Sociedad Cooperativa Andaluza Oliverera Nuestra Señora del Rosario                      | 33,97            | 15,00 | Córdoba   |
| 3707-A | Installation of two ecological lines with a capacity of 75 000 kg/day and drier                                            | Sociedad Cooperativa Andaluza Agropecuaria Industrial                                   | 75,48            | 15,00 | Sevilla   |
| 3710-A | Installation of an ecological continuous line with a capacity of 30 000 kg/day                                             | Mármol Verdugo Francisco                                                                | 27,12            | 15,00 | Sevilla   |
| 3716-A | Transformation of olive mill to ecological system                                                                          | Cooperativa del Campo San Juan Bautista                                                 | 6,47             | 25,00 | Sevilla   |
| 3732-A | Vegetable water elimination plant                                                                                          | SAT 1951 Sor Ángela de la Cruz                                                          | 30,19            | 15,00 | Sevilla   |
| 3737-A | Transformation of olive mill to ecological system                                                                          | Sociedad Agraria de Transformación número 1185 Purísima Concepción                      | 42,46            | 15,00 | Sevilla   |
| 3738-A | Transformation of olive mill to ecological system                                                                          | Sociedad Agraria de Transformación San José número 2248                                 | 21,93            | 25,00 | Sevilla   |
| 3739-A | Installation of an ecological continuous line                                                                              | Sociedad Agraria de Transformación 1953                                                 | 37,74            | 15,00 | Sevilla   |
| 3740-A | Improvement of olive mill by installing ecological continuous line and vertical pomace drier                               | Cooperativa del Campo y Caja Rural de Nuestra Señora de las Virtudes                    | 37,74            | 15,00 | Sevilla   |
| 3741-A | Improvement of olive mills by adapting them to ecological system and installing vertical pomace drier                      | Cooperativa Agrícola y Caja Rural Nuestra Señora del Rosario                            | 35,14            | 15,00 | Sevilla   |
| 3745-A | Installation of ecological continuous system for extraction of virgin olive oil for Sociedad Oleysa                        | Oleaginosas y Cereales SA                                                               | 49,97            | 15,00 | Sevilla   |
| 3746-A | Rationalization and technological improvement of the olive-oil manufacturing process without production of vegetable water | Sociedad Agraria de Transformación San Antonio número 2110                              | 37,74            | 15,00 | Sevilla   |
| 3752-A | Installation of ecological oil-extraction line                                                                             | Gabriel Moreno Prieto                                                                   | 16,32            | 15,00 | Sevilla   |
| 3753-A | Continuous system for the manufacture of olive oil without production of vegetable water                                   | Aceites Gaviño SA                                                                       | 20,19            | 15,00 | Sevilla   |
| 3757-A | Modernization of oil production plant                                                                                      | Grupo Sindical de Colonización número 1881 Santa Teresa Osuna 2                         | 13,60            | 15,00 | Sevilla   |
| 3759-A | Installation of ecological continuous system for extraction of olive oil                                                   | Sociedad Agraria de Transformación número 2043 Nuestra Señora de las Huertas            | 37,74            | 15,00 | Sevilla   |

| File   | Title                                                                                        | Firm                                                                   | Proposed subsidy | %     | Province    |
|--------|----------------------------------------------------------------------------------------------|------------------------------------------------------------------------|------------------|-------|-------------|
| 3829-A | Redesign of oil mill in Olvera                                                               | Sociedad Cooperativa Andaluza Nuestra Señora de los Remedios de Olvera | 62,68            | 17,80 | Cádiz       |
| 3857-A | Elimination of vegetable water, installation of two-phase decanter and thermal concentration | Sociedad Cooperativa Andaluza Agrícola San Benito                      | 91,99            | 15,00 | Jaén        |
| 3877-A | Overhaul of olive mill: modification of the industrial process for extraction of olive oil   | Victoriano Arias Rivero                                                | 35,85            | 15,00 | Ciudad Real |
|        | Total number of projects in group: 162                                                       |                                                                        | 6 496,899        |       |             |
|        | Total number or projects in Area 2: 162                                                      |                                                                        | 6 496,899        |       |             |

(<sup>1</sup>) 1 ECU = Pta 158,980.

## ANNEX II

## FINANCING PLAN

Project: 93/11/61/092

(ECU '000)

| Year  | Total cost (1) | Public expenditure       |       |                     |       |                      |       |                    |       |       | Private sector |              | Communit<br>y loans |
|-------|----------------|--------------------------|-------|---------------------|-------|----------------------|-------|--------------------|-------|-------|----------------|--------------|---------------------|
|       |                | Total public expenditure |       | Cohesion instrument |       | National authorities |       |                    |       | Other |                |              |                     |
|       |                |                          |       |                     |       | Total                |       | Central government | Other |       |                |              |                     |
|       | 1=2+11         | 2=4+6+10                 | 3=2/1 | 4                   | 5=4/2 | 6=8+9                | 7=6/2 | 8                  | 9     | 10    | 11             | %<br>12=11/1 | 13                  |
| 1993  | 41 282,910     | 6 496,899                | 16    | 5 522,361           | 85    | 974,538              | 15    | 974,538            |       |       | 34 786,011     | 84           |                     |
| 1994  |                |                          |       |                     |       |                      |       |                    |       |       |                |              |                     |
| 1995  |                |                          |       |                     |       |                      |       |                    |       |       |                |              |                     |
| Total | 41 282,910     | 6 496,899                | 16    | 5 522,361           | 85    | 974,538              | 15    | 974,538            |       |       | 34 786,011     | 84           |                     |

(<sup>1</sup>) Total eligible cost of project.

**ANNEX III****FINANCIAL IMPLEMENTING PROVISIONS**

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

**Community assistance**

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of the Decision according to the procedures described in point 12.

**Commitments and payments**

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

**Recovery of undue payments**

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Regulation (EEC) No 4253/88. If the authority does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

#### Procedure for amending the project Decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
  - (a) Amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
  - (b) In the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10 % of the total expenditure planned for the project shall not be regarded as a substantial change of the financing plan and the schedule of expenditure.

#### Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.

### ANNEX IV

#### MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

##### A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
  - the Monitoring Committee set up by each Member State concerned,
  - reports,
  - sample checks.

##### *Monitoring Committee*

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Spain shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Spain.

## 5. The Committee shall:

- (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
- (b) give its opinion on the draft annual reports on implementation referred to in point 6;
- (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
- (d) ensure publicity for the project;
- (e) ensure that Community policies are respected, especially environment policy;
- (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

*Reports*

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

*Checks*

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

**B. Assessment**

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.

## ANNEX V

## INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicise the project using appropriate means, especially audio-visual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure that there is transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC <sup>(1)</sup> have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months after the adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

<sup>(1)</sup> OJ No L 158, 23. 6. 1990, p. 56.

## ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER  
COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within a specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

## COMMISSION DECISION

of 3 May 1994

concerning the grant of assistance from the cohesion financial instrument to the project concerning the management of industrial waste in Spain

No CF: 93/11/61/093

(Only the Spanish text is authentic)

(94/710/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument <sup>(1)</sup>, as amended by Regulation (EC) No 566/94 <sup>(2)</sup>, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments <sup>(3)</sup>, amended by Regulation (EEC) No 2082/93 <sup>(4)</sup>, are to apply *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas on 14 August 1993 the Spanish Government submitted an application for assistance from the cohesion financial instrument for the project concerning the management of industrial waste in Spain;

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC) No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project will help achieve the objectives of Article 130r of the Treaty concerning the environment;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities <sup>(5)</sup>, as last amended by Regulation (Euratom, ECSC, EEC) No 610/90 <sup>(6)</sup>, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93 and the provisions contained in Annex VI;

Whereas all the other conditions laid down have been complied with,

HAS ADOPTED THIS DECISION:

*Article 1*

The project concerning the management of industrial waste in Spain as described in Annex I hereto is hereby approved for the period 1 January to 31 December 1993.

<sup>(1)</sup> OJ No L 79, 1. 4. 1993, p. 74.

<sup>(2)</sup> OJ No L 72, 16. 3. 1994, p. 1

<sup>(3)</sup> OJ No L 374, 31. 12. 1988, p. 1.

<sup>(4)</sup> OJ No L 193, 31. 7. 1993, p. 20.

<sup>(5)</sup> OJ No L 356, 31. 12. 1977, p. 1.

<sup>(6)</sup> OJ No L 70, 16. 3. 1990, p. 1.

*Article 2*

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 10 072 468.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 8 561 599.
4. The contribution is committed from the 1994 budget.

*Article 3*

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 4 280 799.

*Article 4*

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Spain and for which the requisite finance has been specifically allocated to works to be completed not later than 31 December 1993.
2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.
3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

*Article 5*

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7,

30, 52 and 59 of the Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the Treaty.

*Article 6*

Systematic monitoring and assessment of the project shall take place in accordance with the provisions set out in Annex IV hereto.

*Article 7*

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

*Article 8*

Each Annex to this Decision shall form an integral part of it.

*Article 9*

Failure to comply with the provisions of this Decision may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

*Article 10*

This Decision is addressed to Spain.

Done at Brussels, 3 May 1994.

*For the Commission*

Peter SCHMIDHUBER

*Member of the Commission*

## ANNEX I

## SUMMARY

**1. Project title**

Management of industrial waste

**2. Authority making the application**

2.1. Name: Dirección General de Planificación

2.2. Address: Paseo de la Castellana 162, 28071 Madrid

**3. Authority responsible for implementation**

3.1. Name: Secretaría de Estado de Industria

3.2. Address: Paseo de la Castellana 160, 28071 Madrid

**4. Location**

4.1. Member State: Spain

4.2. Region: Andalusia, Aragón, Asturias, Cantabria, Catalonia, Extremadura, Galicia, Madrid, Murcia, Navarra, País Vasco and País Valenciano

**5. Brief description**

Set of 54 projects concerning the collection, transfer, storage, treatment and elimination of toxic and dangerous industrial waste. Planned measures include: altering production processes, measures in industrial plants themselves, external recovery and recycling, treatment and elimination in external integral plants.

**6. Principal objectives**

To improve the treatment of industrial waste, particularly dangerous and toxic waste, including the collection, storage, transport, treatment, recovery and elimination of waste.

**7. Work schedule**

Date of commencement: January 1993

Date of completion: 31 December 1993

**8. Socio-economic analysis**

A cost-benefit analysis revealed the following benefits:

- maintaining and improving public health and safety,
- saving environmental resources by using recyclable materials and reusing industrial waste,
- reducing atmospheric and water pollution,
- preventing deterioration of the countryside and occupation of utilizable land.

On the basis of the temporary cost-benefit profile, the IRR is 17,8 %.

**9. Contribution to environmental policy**

The projects are intended to reduce the creation of waste at origin by introducing clean technologie, including techniques for reusing and recycling waste and definitively eliminating waste which cannot be reused.

## 10. Cost

(ECU '000 (!))

|                                                                     |           |
|---------------------------------------------------------------------|-----------|
| Total cost                                                          | 68 466,22 |
| Expenditure prior to 1 January 1993                                 | —         |
| Total eligible cost                                                 | 10 072,47 |
| Total assistance applied for from the cohesion financial instrument | 8 561,60  |

(!) ECU 1 = Pta 158,980.

## LIST OF PROJECTS INCLUDED

## MANAGEMENT OF INDUSTRIAL WASTE

(ECU '000 (!))

## Group: CTR: Centre for transfer of waste

| File   | Title                                                                                          | Firm                                  | Proposed subsidy | %  | Province |
|--------|------------------------------------------------------------------------------------------------|---------------------------------------|------------------|----|----------|
| 2801-A | Design and construction of a plant for the transfer of industrial waste in Alcudia de Crispins | Valenciana de protección Ambiental SA | 85,50            | 25 | Valencia |
| 2856-A | Industrial waste transfer plant                                                                | Borg Service SAE                      | 91,80            | 25 | Vizcaya  |
|        | Total number of projects in CTR group: 2                                                       |                                       | 177,31           |    |          |

## Group: ENV: Containers

| File   | Title                                                                                          | Firm                 | Proposed subsidy | %  | Province  |
|--------|------------------------------------------------------------------------------------------------|----------------------|------------------|----|-----------|
| 1855-B | Development of a new design for fully recyclable containers made by using recyclable materials | Paper SA             | 53,84            | 20 | Barcelona |
| 2656-B | Packaging of solid urban waste                                                                 | Imabe Ibérica SA     | 121,71           | 30 | Madrid    |
| 2777-A | Pilot plant for reconditioning of metal containers                                             | Servidrum Ibérica SA | 236,44           | 15 | Tarragona |
| 3295-A | Container recovery management project                                                          | Vicente Fresno SA    | 49,47            | 20 | Vizcaya   |
|        | Total number of projects in ENV group: 4                                                       |                      | 461,47           |    |           |

## Group: MIN: Minimization of waste

| File   | Title                                                                                                        | Firm                             | Proposed subsidy | %  | Province   |
|--------|--------------------------------------------------------------------------------------------------------------|----------------------------------|------------------|----|------------|
| 2602-A | Investments in environmental improvement                                                                     | Aspla-plásticos Españoles SA     | 161,62           | 5  | Santander  |
| 3248-A | Project to reduce the quantity and volume of solid waste by modifying phases in the production system        | Salvador Subirana SA             | 36,57            | 15 | Barcelona  |
| 3311-B | Utilization of clean technology to obtain white paste of eucalyptus sulphate                                 | Empresa Nacional de Celulosas SA | 215,12           | 30 | Pontevedra |
| 3592-A | Minimization of waste, new equipment to collect and treat chips and drilling waste (lubricants and coolants) | Nissan Motor Ibérica SA          | 93,96            | 15 | Madrid     |
|        | Total number of projects in MIN group: 4                                                                     |                                  | 507,27           |    |            |

## Group: MTR: Means of transport for waste

| File   | Title                                                               | Firm                                     | Proposed subsidy | %  | Province |
|--------|---------------------------------------------------------------------|------------------------------------------|------------------|----|----------|
| 3845-B | Eureka Compacar electric hybrid truck for collection of solid waste | Fomento de Construcciones y contratas SA | 59,93            | 20 | Madrid   |
|        | Total number of projects in MTR group: 1                            |                                          | 59,93            |    |          |

## Group: NU: Used tyres

| File   | Title                                                   | Firm                                             | Proposed subsidy | %  | Province |
|--------|---------------------------------------------------------|--------------------------------------------------|------------------|----|----------|
| 3200-B | Mobile plant for the treatment of used tyres            | Mitchell SA                                      | 90,58            | 10 | Madrid   |
| 3578-B | Plant for generating energy from used tyres in Zaragoza | Prisma Promoción de Industrias Medioambiental SL | 283,05           | 25 | Zaragoza |
| 3712-B | Elimination of tyres                                    | Empresa de Gestión Medioambiental SA             | 69,82            | 25 | Sevilla  |
|        | Number of projects in the NU group: 3                   |                                                  | 443,45           |    |          |

## Group: PLA: Plasma

| File   | Title                                                                                                | Firm                                               | Proposed subsidy | %    | Province  |
|--------|------------------------------------------------------------------------------------------------------|----------------------------------------------------|------------------|------|-----------|
| 1005-B | Elimination of solid waste using plasma technology                                                   | Iberdrola I, SA                                    | 142,96           | 34,5 | Guipúzcoa |
| 1006-B | Recovery of metals and/or neutralization of metal waste using plasma technology                      | Iberdrola I, SA                                    | 201,50           | 35   | Guipúzcoa |
| 2593-B | Technological modification to a flare system using thermal graphite plasma to eliminate waste powder | Prerreducidos Integrados del Suroeste de España SA | 43,94            | 35   | Badajoz   |
| 2594-B | Research on a pilot plant for the destruction of chlorinated hydrocarbons using plasma technology    | Prerreducidos Integrados del Suroeste de España SA | 137,48           | 35   | Huelva    |
|        | Number of projects in the PLA group: 4                                                               |                                                    | 561,88           |      |           |

## Group: REC: Recovery and recycling

| File   | Title                                                                                                                            | Firm                                                                    | Proposed subsidy | %  | Province  |
|--------|----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|------------------|----|-----------|
| 2655-A | Plan to improve the environmental conditions in plants for the single firing and treatment of gaseous, solid and liquid waste    | Arcillas Atomizadas SA                                                  | 203,35           | 25 | Castellón |
| 2718-B | Study on the applications of lignin in the synthetic resin industry                                                              | Industrias Químicas del Urumea SA                                       | 70,56            | 30 | Guipúzcoa |
| 2814-B | Pilot plant for the selective recycling of waste and utilization of by-products                                                  | Selectives Metropolitanas SA                                            | 61,66            | 30 | Barcelona |
| 2847-B | System for the recovery and recycling of waste electric cable                                                                    | Tecnirec SL                                                             | 61,91            | 30 | Barcelona |
| 3007-A | Plastic waste recycling plant                                                                                                    | Macresur SA                                                             | 80,80            | 25 | Almería   |
| 3046-B | Study on the manufacture of glass microspheres from urban and industrial waste                                                   | Meteo Test Vidrio SL                                                    | 30,38            | 30 | Madrid    |
| 3088-B | Recycling of large volumes of insulating material for electric cable for high-performance applications                           | Gaiker Grupo Tecnológico de Nuevos Materiales de San Salvador del Valle | 27,88            | 25 | Vizcaya   |
| 3225-B | Technological development and demonstration of profitable and ecological recycling of toxic metals from Nickel Cadmium batteries | Uniniquel SA                                                            | 186,19           | 40 | Tarragona |

| File   | Title                                                                                                                      | Firm                                               | Proposed subsidy | %  | Province  |
|--------|----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|------------------|----|-----------|
| 3340-B | Pilot plant to demonstrate the recycling of chromed-tanned leather to obtain reclaimed leather finished by transfer system | Salpax SA                                          | 158,70           | 30 | Alicante  |
| 3351-A | Recovery and recycling of tar solids and other types of industrial grease                                                  | Thyssen Ingeniería y Plantas SA                    | 61,48            | 25 | Oviedo    |
| 3456-A | Study on reducing the waste generated by the de-greasing of mechanical parts                                               | Gala Sol SA                                        | 12,34            | 25 | Zaragoza  |
| 3577-B | Recycling of paint sludge                                                                                                  | Prisma Promoción de Industrias Medioambientales SL | 140,90           | 35 | Zaragoza  |
| 3628-B | Treatment, recycling and utilization of waste from the food industry                                                       | Nutral SA                                          | 57,76            | 20 | Madrid    |
| 3770-A | Industrial scale PVC recycling plant                                                                                       | Actividades Comerciales Diversas SA                | 133,98           | 15 | Barcelona |
| 3771-A | Automatic plant for full recovery of covered electric cables (scrap)                                                       | Recuperaciones EMP SA                              | 630,27           | 20 | Barcelona |
| 3856-A | Manufacture of accoustic and thermal insulation panels from recycled raw materials                                         | Pan-Terre Ibérica SA                               | 217,10           | 20 | Guipúzcoa |
|        | Number of projects in REC group: 16                                                                                        |                                                    | 2 135,24         |    |           |

## Group: TRS: Treatment of solid waste

| File   | Title                                                                                                                         | Firm                                                                                  | Proposed subsidy | %  | Province  |
|--------|-------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|------------------|----|-----------|
| 1594-B | Elimination and utilization of tanned leather                                                                                 | Asociación de Investigación para la Industria del Calzado y Conexas Instituto Español | 315,27           | 40 | Alicante  |
| 2006-B | Development of processes to neutralize industrial waste and demonstration plants                                              | Lunagua SL                                                                            | 23,21            | 20 | Santander |
| 2046-B | Plant for the recovery, sorting and incineration of solid waste from the wood industry                                        | Probell 92 SA                                                                         | 306,64           | 25 | Barcelona |
| 2276-B | Process for manufacturing soil improvers and organic fertilizer by recycling agricultural waste                               | SLIR SL                                                                               | 84,94            | 30 | Navarra   |
| 2819-A | Environmental platform made up of a physico-chemical treatment plant, energy cogeneration plant and control storage for waste | Tratamientos del Mediterráneo SL                                                      | 373,63           | 15 | Murcia    |
| 2869-A | Construction of a mobile plant with a rotary oven for the treatment of hospital waste                                         | Sistemas de Reducción SA                                                              | 188,70           | 20 | Tarragona |
| 2872-A | Treatment of dust from steel works using electric oven                                                                        | Electroquímica del Andévalo SA                                                        | 843,84           | 25 | Huelva    |
| 2903-A | Physico-chemical and biological treatment and disinfection of waste from the food industry                                    | Agrupación de Cooperativas Valle del Jerte SCL                                        | 41,51            | 30 | Cáceres   |
| 2903-B | Physico-chemical and biological treatment and disinfection of waste from the food industry                                    | Agrupación de Cooperativas Valle del Jerte SCL                                        | 13,84            | 40 | Cáceres   |
| 2916-A | Design and construction of an integral plant for the treatment of solid urban waste in Madrid                                 | Dragados y Construcciones SA                                                          | 875,02           | 5  | Madrid    |
| 2941-A | Development and introduction of new production technology to recover plastic waste from controlled dumps                      | Henkel Ibérica SA                                                                     | 641,45           | 15 | Barcelona |
| 2986-A | Plant for the treatment of industrial waste and septic pits                                                                   | Técnicas de Descontaminación SA                                                       | 327,59           | 15 | Santander |

| File   | Title                                                                                         | Firm                                                                      | Proposed subsidy | %  | Province  |
|--------|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|------------------|----|-----------|
| 3237-A | General redesign of the solid urban waste treatment plant in Maresme                          | Consorci per al Tractament de Residus Sòlids Urbans del Maresme en Mataró | 724,98           | 7  | Barcelona |
| 3718-B | Project to improve the productivity and quality of a plant for the recycling of waste         | Empresa de Gestión Medioambiental SA                                      | 69,19            | 25 | Sevilla   |
| 3719-B | Elimination of agricultural plastics                                                          | Empresa de Gestión Medioambiental SA                                      | 59,44            | 25 | Cádiz     |
| 3731-B | Elimination of chlorinated and unchlorinated organic solvents                                 | Empresa de Gestión Medioambiental SA                                      | 29,72            | 25 | Cádiz     |
| 3785-B | Plant for the elimination of organic compounds                                                | Empresa de Gestión Medioambiental SA                                      | 34,75            | 25 | Huelva    |
| 3787-B | Elimination of organic solids                                                                 | Empresa de Gestión Medioambiental SA                                      | 85,86            | 25 | Almería   |
| 3846-B | Recycling of slag from the incineration of urban waste by classification and neutralization   | Tratamiento y Eliminación de Residuos                                     | 11,01            | 50 | Tarragona |
| 3858-B | Pilot plant for the neutralization of dust and adjustment of a dump for neutralized substance | Hierros Eguino SL                                                         | 675,64           | 30 | Guipúzcoa |
|        | Number of projects in TRS group: 20                                                           |                                                                           | 5 726,22         |    |           |
|        | Total number of projects in Area 3: 54                                                        |                                                                           | 10 072,47        |    |           |

(<sup>1</sup>) ECU 1 = Pta 158,980.

## ANNEX II

## FINANCING PLAN

Project: 93/11/61/093

(ECU '000)

| Year  | Total cost <sup>(1)</sup> | Public expenditure       |            |                     |            |                      |            |                         |            |       | Private sector |              | Community loans |
|-------|---------------------------|--------------------------|------------|---------------------|------------|----------------------|------------|-------------------------|------------|-------|----------------|--------------|-----------------|
|       |                           | Total public expenditure |            | Cohesion instrument |            | National authorities |            |                         |            | Other |                |              |                 |
|       |                           |                          |            |                     |            |                      |            |                         |            |       |                |              |                 |
|       | 1=2+11                    | 2=4+6+10                 | %<br>3=2/1 | 4                   | %<br>5=4/2 | 6=8+9                | %<br>7=6/2 | Central government<br>8 | Other<br>9 | 10    | 11             | %<br>12=11/1 | 13              |
| 1993  | 68 466,222                | 10 072,468               | 15         | 8 561,599           | 85         | 1 510,869            | 15         | 1 510,869               |            |       | 58 393,754     | 85           |                 |
| 1994  |                           |                          |            |                     |            |                      |            |                         |            |       |                |              |                 |
| 1995  |                           |                          |            |                     |            |                      |            |                         |            |       |                |              |                 |
| Total | 68 466,222                | 10 072,468               | 15         | 8 561,599           | 85         | 1 510,869            | 15         | 1 510,869               |            |       | 58 393,754     | 85           |                 |

(<sup>1</sup>) Total eligible cost of project

## ANNEX III

## FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

## Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of the Decision according to the procedures described in point 12.

## Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

## Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Regulation (EEC) No 4253/88. If the authority does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

#### Procedure for amending the project Decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
  - (a) Amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
  - (b) In the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10 % of the total expenditure planned for the project shall not be regarded as a substantial change of the financing plan and the schedule of expenditure.

#### Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.

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### ANNEX IV

#### MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

##### A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
  - the Monitoring Committee set up by each Member State concerned,
  - reports,
  - sample checks.

##### *Monitoring Committee*

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Spain shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Spain.

## 5. The Committee shall:

- (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
- (b) give its opinion on the draft annual reports on implementation referred to in point 6;
- (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
- (d) ensure publicity for the project;
- (e) ensure that Community policies are respected, especially environment policy;
- (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

*Reports*

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

*Checks*

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

**B. Assessment**

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.

## ANNEX V

## INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicise the project using appropriate means, especially audio-visual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure that there is transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC <sup>(1)</sup> have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months after the adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

<sup>(1)</sup> OJ No L 158, 23. 6. 1990, p. 56.

## ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER  
COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within a specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

## COMMISSION DECISION

of 3 May 1994

concerning the grant of assistance from the cohesion financial instrument to the project concerning the management of used oils in Spain

No CF: 93/11/61/094

(Only the Spanish text is authentic)

(94/711/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument <sup>(1)</sup>, as amended by Regulation (EC) No 566/94 <sup>(2)</sup>, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments <sup>(3)</sup>, amended by Regulation (EEC) No 2082/93 <sup>(4)</sup>, are to apply *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas on 14 August 1993 the Spanish Government submitted an application for assistance from the cohesion financial instrument for the first phase of the project concerning the management of used oils in Spain;

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC) No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project will help achieve the objectives of Article 130r of the Treaty concerning the environment;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities <sup>(5)</sup>, as last amended by Regulation (Euratom, ECSC, EEC) No 610/90 <sup>(6)</sup>, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93 and the provisions contained in Annex VI;

Whereas all the other conditions laid down have been complied with,

HAS ADOPTED THIS DECISION:

## Article 1

The project concerning the management of used oils in Spain as described in Annex I hereto is hereby approved for the period 1 January to 31 December 1993.

<sup>(1)</sup> OJ No L 79, 1. 4. 1993, p. 74.

<sup>(2)</sup> OJ No L 72, 16. 3. 1994, p. 1.

<sup>(3)</sup> OJ No L 374, 31. 12. 1988, p. 1.

<sup>(4)</sup> OJ No L 193, 31. 7. 1993, p. 20.

<sup>(5)</sup> OJ No L 356, 31. 12. 1977, p. 1.

<sup>(6)</sup> OJ No L 70, 16. 3. 1990, p. 1.

*Article 2*

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 1 860 806.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 1 581 683.
4. The contribution is committed from the 1994 budget.

*Article 3*

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 790 842.

*Article 4*

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Spain and for which the requisite finance has been specifically allocated to works to be completed not later than 31 December 1993.
2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.
3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

*Article 5*

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7,

30, 52 and 59 of the Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the Treaty.

*Article 6*

Systematic monitoring and assessment of the project shall take place in accordance with the provisions set out in Annex IV hereto.

*Article 7*

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

*Article 8*

Each Annex to this Decision shall form an integral part of it.

*Article 9*

Failure to comply with the provisions of this Decision may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

*Article 10*

This Decision is addressed to Spain.

Done at Brussels, 3 May 1994.

*For the Commission*

Peter SCHMIDHUBER

*Member of the Commission*

## ANNEX I

## SUMMARY

**1. Project title**

Management of used oil

**2. Authority making the application**

2.1. Name: Dirección General de Planificación

2.2. Address: Paseo de la Castellana, 162, 28071 Madrid

**3. Authority responsible for implementation**

3.1. Name: Secretaría de Estado de Industria

3.2. Address: Paseo de la Castellana 160, 28071 Madrid

**4. Location**

4.1. Member State: Spain

4.2. Region: Andalusia, Aragón, Asturias, Cantabria, Catalonia, Extremadura, Galicia, Madrid, Murcia, Navarra, País Vasco and País Valenciano

**5. Brief description**

Set of eight projects relating to the collection, transport, treatment and recovery of used lubricating oil from the motor and other industries.

**6. Principal objectives**

To prevent used lubricating oil from being disposed of in the sewage system and thereby contaminating public water supplies, by encouraging its reclamation or use as a fuel.

**7. Work schedule**

Date of commencement: 1 January 1993

Date of completion: 31 December 1993

**8. Socio-economic analysis**

The cost-benefit analysis for the set of projects estimates the main benefit as reduction in water pollution. On the basis of the temporary cost-benefit profile, the IRR is 6,3 %.

**9. Contribution to environmental policy**

Application of the Community rules in this area and the National Plan for industrial waste to the reutilization of used oil and elimination of PCBs and PCTs.

## 10. Cost

|                                                                     | (ECU '000) <sup>(1)</sup> |
|---------------------------------------------------------------------|---------------------------|
| Total cost                                                          | 13 051,48                 |
| Expenditure prior to 1 January 1993                                 | —                         |
| Total eligible cost                                                 | 1 860,81                  |
| Total assistance applied for from the cohesion financial instrument | 1 581,68                  |
| <sup>(1)</sup> ECU 1 = Pta 158,980.                                 |                           |

## LIST OF PROJECTS INCLUDED

## MANAGEMENT OF USED OIL

(ECU '000) <sup>(1)</sup>

Group: AU: Used oil

| File   | Title                                                                                                    | Firm                                                               | Proposed subsidy | %  | Province  |
|--------|----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|------------------|----|-----------|
| 2652-A | Demonstration plant for technology for the internal treatment of used oil with energy recovery           | Aurecan                                                            | 681,32           | 20 | Huelva    |
| 1675-A | Demonstration plant for reclamation of used oil using a tubular reactor with cogeneration of electricity | Eco Oil SA                                                         | 294,13           | 10 | Teruel    |
| 2800-A | Design and construction of a plant for the recovery of used oil                                          | Sepiva                                                             | 46,65            | 10 | Valencia  |
| 2866-A | Decontamination of transformers containing PCBs with a view to their recycling or reuse                  | Borg Service SAE                                                   | 37,43            | 25 | Vizcaya   |
| 3067-A | Plant for the dissemination of technology for the integral treatment of used oil with energy recovery    | Aureca Aceites Usados y Recuperación Energética de Madrid SL       | 259,97           | 10 | Madrid    |
| 3068-A | Plant for the dissemination of technology for the integral treatment of used oil with energy recovery    | Aureca Aceites Usados y Recuperación del Principado de Asturias SL | 244,45           | 10 | Oviedo    |
| 3607-B | Design of a plant for industrial-scale manufacture of biodiesel from vegetable oil                       | Caila y Pares SA                                                   | 280,79           | 30 | Barcelona |
| 3654-A | Collection tanks for transformer oil                                                                     | Iberdrola I SA                                                     | 16,08            | 15 | Salamanca |
|        | Number of projects in AU group: 8                                                                        |                                                                    | 1 860,81         |    |           |

<sup>(1)</sup> ECU 1 = Pta 158,980.

## ANNEX II

## FINANCING PLAN

Project: 93/11/61/094

(ECU '000)

| Year  | Total cost (1) | Public expenditure       |       |                     |       |                      |       |                    |       |       | Private sector |         | Community loans |
|-------|----------------|--------------------------|-------|---------------------|-------|----------------------|-------|--------------------|-------|-------|----------------|---------|-----------------|
|       |                | Total public expenditure |       | Cohesion instrument |       | National authorities |       |                    |       | Other |                |         |                 |
|       |                |                          |       |                     |       | Total                |       | Central government | Other |       |                |         |                 |
|       |                |                          |       |                     | %     |                      | %     |                    | %     |       |                |         |                 |
|       | 1=2+11         | 2=4+6+10                 | 3=2/1 | 4                   | 5=4/2 | 6=8+9                | 7=6/2 | 8                  | 9     | 10    | 11             | 12=11/1 | 13              |
| 1993  | 13 051,484     | 1 860,806                | 14    | 1 581,683           | 85    | 279,123              | 15    | 279,123            |       |       | 11 190,678     | 86      |                 |
| 1994  |                |                          |       |                     |       |                      |       |                    |       |       |                |         |                 |
| 1995  |                |                          |       |                     |       |                      |       |                    |       |       |                |         |                 |
| Total | 13 051,484     | 1 860,806                | 14    | 1 581,683           | 85    | 279,123              | 15    | 279,123            |       |       | 11 190,678     | 86      |                 |

<sup>(1)</sup> Total eligible cost of project.

## ANNEX III

## FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

## Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of the Decision according to the procedures described in point 12.

## Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

## Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Regulation (EEC) No 4253/88. If the authority does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

#### Procedure for amending the project Decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
  - (a) Amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
  - (b) In the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10% of the total expenditure planned for the project shall not be regarded as a substantial change of the financing plan and the schedule of expenditure.

#### Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.

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### ANNEX IV

#### MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

##### A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
  - the Monitoring Committee set up by each Member State concerned,
  - reports,
  - sample checks.

##### *Monitoring Committee*

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Spain shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required:

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Spain.

## 5. The Committee shall:

- (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
- (b) give its opinion on the draft annual reports on implementation referred to in point 6;
- (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
- (d) ensure publicity for the project;
- (e) ensure that Community policies are respected, especially environment policy;
- (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

*Reports*

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

*Checks*

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

**B. Assessment**

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.
-

## ANNEX V

## INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicise the project using appropriate means, especially audio-visual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure that there is transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC <sup>(1)</sup> have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months after the adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

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<sup>(1)</sup> OJ No L 158, 23. 6. 1990, p. 56.

## ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER  
COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within a specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

## COMMISSION DECISION

of 3 May 1994

concerning the grant of assistance from the cohesion financial instrument to the project concerning the recovery of water from the washing of tanks, cleaning of bilges and deballasting of ships in Spain

No CF: 93/11/61/095

(Only the Spanish text is authentic)

(94/712/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument <sup>(1)</sup>, as amended by Regulation (EC) No 566/94 <sup>(2)</sup>, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments <sup>(3)</sup>, amended by Regulation (EEC) No 2082/93 <sup>(4)</sup>, are to apply *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas on 14 August 1993 the Spanish Government submitted an application for assistance from the cohesion financial instrument for the first phase of the project concerning the recovery of water from the washing of tanks, cleaning of bilges and deballasting of ships in Spain;

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC) No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project will help achieve the objectives of Article 130r of the Treaty concerning the environment;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities <sup>(5)</sup>, as last amended by Regulation (Euratom, ECSC, EEC) No 610/90 <sup>(6)</sup>, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93 and the provisions contained in Annex VI;

Whereas all the other conditions laid down have been complied with,

HAS ADOPTED THIS DECISION:

## Article 1

The project concerning the recovery of water from the washing of tanks, cleaning of bilges and deballasting of ships in Spain as described in Annex I hereto is hereby approved for the period 1 January to 31 December 1993.

<sup>(1)</sup> OJ No L 79, 1. 4. 1993, p. 74.

<sup>(2)</sup> OJ No L 72, 16. 3. 1994, p. 1.

<sup>(3)</sup> OJ No L 374, 31. 12. 1988, p. 1.

<sup>(4)</sup> OJ No L 193, 31. 7. 1993, p. 20.

<sup>(5)</sup> OJ No L 356, 31. 12. 1977, p. 1.

<sup>(6)</sup> OJ No L 70, 16. 3. 1990, p. 1.

*Article 2*

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 899 465.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 764 543.
4. The contribution is committed from the 1994 budget.

*Article 3*

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 382 271.

*Article 4*

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Spain and for which the requisite finance has been specifically allocated to works to be completed not later than 31. December 1993.
2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.
3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

*Article 5*

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7,

30, 52 and 59 of the Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the Treaty.

*Article 6*

Systematic monitoring and assessment of the project shall take place in accordance with the provisions set out in Annex IV hereto.

*Article 7*

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

*Article 8*

Each Annex to this Decision shall form an integral part of it.

*Article 9*

Failure to comply with the provisions of this Decision may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

*Article 10*

This Decision is addressed to Spain.

Done at Brussels, 3 May 1994.

*For the Commission*

Peter SCHMIDHUBER

*Member of the Commission*

## ANNEX I

## SUMMARY

**1. Project title**

Recovery of water from the washing of tanks, cleaning of bilges and deballasting of ships

**2. Authority making the application**

2.1. Name: Dirección General de Planificación

2.2. Address: Paseo de la Castellana 162, 28071 Madrid

**3. Authority responsible for implementation**

3.1. Name: Secretaría de Estado de Industria

3.2. Address: Paseo de la Castellana 160, 28071 Madrid

**4. Location**

4.1. Member State: Spain

4.2. Region: Galicia, Catalonia and Murcia

**5. Brief description**

Set of four projects relating to the recovery of oil waste from shipping activities, generically called marine oils. Three of the projects concern measures in different ports and the fourth is the study and design of a system for the joint management of waste as envisaged in the International Convention Marpol 73/78.

**6. Principal objectives**

The recovery and transport of oil waste from vessels to the treatment plant with a view to preventing the pollution of coastal waters through the uncontrolled discharge of such waste.

**7. Work schedule**

Date of commencement: 1 January 1993

Date of completion: 31 December 1993

**8. Socio-economic analysis**

A cost-benefit analysis revealed the main benefit to be a reduction in water pollution. On the basis of the temporary cost-benefit profile, the IRR is 12,4 %.

**9. Contribution to environmental policy**

The projects contribute by applying the International Convention for the prevention of pollution from ships, known as Marpol 73/78.

## 10. Cost

|                                                                     | (ECU '000 (!)) |
|---------------------------------------------------------------------|----------------|
| Total cost                                                          | 3 587,91       |
| Expenditure prior to 1 January 1993                                 | —              |
| Total eligible cost                                                 | 899,46         |
| Total assistance applied for from the cohesion financial instrument | 764,54         |
| (!) ECU 1 = Pta 158,980.                                            |                |

## LIST OF PROJECTS INCLUDED

## RECOVERY OF WATER FROM THE WASHING OF TANKS, CLEANING OF BILGES AND DEBALLASTING OF SHIPS

(ECU '000 (!))

## Group: MAR: Marpol

| File   | Title                                                                                                                                                                        | Firm                                                          | Proposed subsidy | %  | Province  |
|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|------------------|----|-----------|
| 3056-A | Integrated management of oil wastes in ports                                                                                                                                 | Empresa Nacional Bazán de Construcciones Navales Militares SA | 47,01            | 25 | Murcia    |
| 3534-A | Treatment plant for the treatment of water polluted by oil waste as classified under the International Convention Marpol as categories A, B, C and total (with cogeneration) | Forestal del Atlántico SA                                     | 129,43           | 25 | La Coruña |
| 3775-A | Plant for the reception and treatment of oil waste in accordance with Annex I to the International Convention Marpol and industrial waste                                    | Ecológica Ibérica y Mediterránea SA                           | 591,58           | 25 | Barcelona |
| 3875-A | Plan for the application of Marpol in Galicia                                                                                                                                | Protección Medioambiental SL                                  | 131,44           | 25 | La Coruña |
|        | Number of projects in MAR group: 4                                                                                                                                           |                                                               | 899,47           |    |           |

(!) ECU 1 = Pta 158,980.

## ANNEX II

## FINANCING PLAN

Project: 93/11/61/095

(ECU '000)

| Year  | Total cost (1) | Public expenditure         |       |                     |       |                      |       |                    |       |       | Private sector |         | Community loans |
|-------|----------------|----------------------------|-------|---------------------|-------|----------------------|-------|--------------------|-------|-------|----------------|---------|-----------------|
|       |                | Total public expenditure . |       | Cohesion instrument |       | National authorities |       |                    |       | Other |                |         |                 |
|       |                |                            |       |                     |       | Total                |       | Central government | Other |       |                |         |                 |
|       |                |                            |       |                     | %     |                      | %     |                    | %     |       |                |         |                 |
|       | 1=2+11         | 2=4+6+10                   | 3=2/1 | 4                   | 5=4/2 | 6=8+9                | 7=6/2 | 8                  | 9     | 10    | 11             | 12=11/1 | 13              |
| 1993  | 3 597,912      | 899,465                    | 25    | 764,543             | 85    | 134,923              | 15    | 134,923            |       |       | 2 698,446      | 75      |                 |
| 1994  |                |                            |       |                     |       |                      |       |                    |       |       |                |         |                 |
| 1995  |                |                            |       |                     |       |                      |       |                    |       |       |                |         |                 |
| Total | 3 597,912      | 899,465                    | 25    | 764,543             | 85    | 134,923              | 15    | 134,923            |       |       | 2 698,446      | 75      |                 |

<sup>(1)</sup> Total eligible cost of project.

## ANNEX III

## FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

## Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of the Decision according to the procedures described in point 12.

## Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

## Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Regulation (EEC) No 4253/88. If the authority does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

#### Procedure for amending the project Decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
  - (a) Amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
  - (b) In the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10 % of the total expenditure planned for the project shall not be regarded as a substantial change of the financing plan and the schedule of expenditure.

#### Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.

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### ANNEX IV

#### MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

##### A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
  - the Monitoring Committee set up by each Member State concerned,
  - reports,
  - sample checks.

##### *Monitoring Committee*

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Spain shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Spain.

## 5. The Committee shall:

- (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
- (b) give its opinion on the draft annual reports on implementation referred to in point 6;
- (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
- (d) ensure publicity for the project;
- (e) ensure that Community policies are respected, especially environment policy;
- (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

*Reports*

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

*Checks*

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

**B. Assessment**

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.
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## ANNEX V

## INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicise the project using appropriate means, especially audio-visual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure that there is transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC <sup>(1)</sup> have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months after the adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

<sup>(1)</sup> OJ No L 158, 23. 6. 1990, p. 56.

## ANNEX VI

## OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within a specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

## COMMISSION DECISION

of 3 May 1994

concerning the grant of assistance from the cohesion financial instrument to the project concerning soil improvement in Spain

No CF: 93/11/61/096

(Only the Spanish text is authentic)

(94/713/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument <sup>(1)</sup>, as amended by Regulation (EC) No 566/94 <sup>(2)</sup>, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments <sup>(3)</sup>, amended by Regulation (EEC) No 2082/93 <sup>(4)</sup>, are to apply *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas on 14 August 1993 the Spanish Government submitted an application for assistance from the cohesion financial instrument for the first phase of the project concerning soil improvement in Spain;

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC) No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project will help achieve the objectives of Article 130r of the Treaty concerning the environment;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities <sup>(5)</sup>, as last amended by Regulation (Euratom, ECSC, EEC) No 610/90 <sup>(6)</sup>, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93 and the provisions contained in Annex VI;

Whereas all the other conditions laid down have been complied with,

HAS ADOPTED THIS DECISION:

## Article 1

The project concerning soil improvement in Spain described in Annex I hereto is hereby approved for the period 1 January to 31 December 1993.

<sup>(1)</sup> OJ No L 79, 1. 4. 1993, p. 74.

<sup>(2)</sup> OJ No L 72, 16. 3. 1994, p. 1.

<sup>(3)</sup> OJ No L 374, 31. 12. 1988, p. 1.

<sup>(4)</sup> OJ No L 193, 31. 7. 1993, p. 20.

<sup>(5)</sup> OJ No L 356, 31. 12. 1977, p. 1.

<sup>(6)</sup> OJ No L 70, 16. 3. 1990, p. 1.

*Article 2*

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 437 212.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 371 632.
4. The contribution is committed from the 1994 budget.

*Article 3*

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 185 816.

*Article 4*

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Spain and for which the requisite finance has been specifically allocated to works to be completed not later than 31 December 1993.
2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.
3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

*Article 5*

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7,

30, 52 and 59 of the Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the Treaty.

*Article 6*

Systematic monitoring and assessment of the project shall take place in accordance with the provisions set out in Annex IV hereto.

*Article 7*

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

*Article 8*

Each Annex to this Decision shall form an integral part of it.

*Article 9*

Failure to comply with the provisions of this Decision may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

*Article 10*

This Decision is addressed to Spain.

Done at Brussels, 3 May 1994.

*For the Commission*

Peter SCHMIDHUBER

*Member of the Commission*

**ANNEX I****SUMMARY****1. Project title**

Soil improvement

**2. Authority making the application**

2.1. Name: Dirección General de Planificación

2.2. Address: Paseo de la Castellana, 162, 28071 Madrid

**3. Authority responsible for implementation**

3.1. Name: Secretaría de Estado de Industria

3.2. Address: Paseo de la Castellana, 160, 28071 Madrid

**4. Location**

4.1. Member State: Spain

4.2. Region: Balearic Islands, Castile-Leon and the Basque Country

**5. Brief description**

Set of three projects to improve soil which has deteriorated as a result of industrial activity and mining, particularly open-cast mining, and the storage of waste on dumps as a result of the exploitation of minerals.

**6. Principal objectives**

To improve soils which have been damaged by industrial activities and mining and to develop techniques for the 'bio-recovery' of polluted soil.

**7. Work schedule**

Date of commencement: 1 January 1993

Date of completion: 31 December 1993

**8. Socio-economic analysis**

A cost-benefit analysis revealed the main benefits as a reduction in pollution and desertification. On the basis of the temporary cost-benefit profile, the IRR is 15,2 %.

**9. Contribution to environmental policy**

Reclamation of particularly damaged areas with a view to their rehabilitation or subsequent use for other purposes.

## 10. Cost

(ECU '000 <sup>(1)</sup>)

|                                                                     |          |
|---------------------------------------------------------------------|----------|
| Total cost                                                          | 2 327,75 |
| Expenditure prior to 1 January 1993                                 | —        |
| Total eligible cost                                                 | 437,21   |
| Total assistance applied for from the cohesion financial instrument | 371,63   |
| <sup>(1)</sup> ECU 1 = Pta 158,980.                                 |          |

## LIST OF PROJECTS INCLUDED

## SOIL IMPROVEMENT

(ECU '000 <sup>(1)</sup>)

## Group: RES: Soil improvement

| File   | Title                                                                                                                                           | Firm                                                               | Proposed subsidy | %     | Province         |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|------------------|-------|------------------|
| 647-A  | Environmental restoration of quarries in the Balearic Islands. Industrial adjustments to bring practices into line with environmental standards | Federació de la Petita i Mitjana Empresa de Mallorca               | 100,28           | 20,00 | Balearic Islands |
| 1597-A | Restoration of dumps for ash from power stations                                                                                                | Empresa Nacional de Electricidad SA                                | 236,16           | 15,00 | Leon             |
| 2103-B | Bio-recovery of polluted soil                                                                                                                   | Laboratorio de Ensayos e Investigación Industriales de Torrontegui | 100,77           | 40,00 | Vizcaya          |
|        | Number of projects in RES groupe: 3                                                                                                             |                                                                    | 437,21           |       |                  |

<sup>(1)</sup> ECU 1 = Pta 158,980.

## ANNEX II

## FINANCING PLAN

Project: 93/11/61/096

(ECU '000)

| Year  | Total cost <sup>(1)</sup> | Public expenditure       |            |                     |            |                      |            |                    |       |       | Private sector |              | Communit<br>y loans |
|-------|---------------------------|--------------------------|------------|---------------------|------------|----------------------|------------|--------------------|-------|-------|----------------|--------------|---------------------|
|       |                           | Total public expenditure |            | Cohesion instrument |            | National authorities |            |                    |       | Other |                |              |                     |
|       |                           |                          |            |                     |            | Total                |            | Central government | Other |       |                |              |                     |
|       | 1=2+11                    | 2=4+6+10                 | %<br>3=2/1 | 4                   | %<br>5=4/2 | 6=8+9                | %<br>7=6/2 | 8                  | 9     | 10    | 11             | %<br>12=11/1 | 13                  |
| 1993  | 2 327,752                 | 437,212                  | 19         | 371,632             | 85         | 65,581               | 15         | 65,581             |       |       | 1 890,540      | 81           |                     |
| 1994  |                           |                          |            |                     |            |                      |            |                    |       |       |                |              |                     |
| 1995  |                           |                          |            |                     |            |                      |            |                    |       |       |                |              |                     |
| Total | 2 327,752                 | 437,212                  | 19         | 371,632             | 85         | 65,581               | 15         | 65,581             |       |       | 1 890,540      | 81           |                     |

<sup>(1)</sup> Total eligible cost of project.

## ANNEX III

## FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

## Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of the Decision according to the procedures described in point 12.

## Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
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#### Procedure for amending the project Decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
  - (a) Amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
  - (b) In the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10 % of the total expenditure planned for the project shall not be regarded as a substantial change of the financing plan and the schedule of expenditure.

#### Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.

### ANNEX IV

#### MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

##### A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
  - the Monitoring Committee set up by each Member State concerned,
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##### *Monitoring Committee*

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Spain shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Spain.

## 5. The Committee shall:

- (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
- (b) give its opinion on the draft annual reports on implementation referred to in point 6;
- (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
- (d) ensure publicity for the project;
- (e) ensure that Community policies are respected, especially environment policy;
- (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

*Reports*

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

*Checks*

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
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**B. Assessment**

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## ANNEX V

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The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

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- the Member State concerned shall publicise the project using appropriate means, especially audio-visual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
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- from the outset, the Member State concerned shall ensure that there is transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC <sup>(1)</sup> have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months after the adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

<sup>(1)</sup> OJ No L 158, 23. 6. 1990, p. 56.

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OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER  
COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
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Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

## COMMISSION DECISION

of 17 May 1994

concerning the grant of assistance from the cohesion financial instrument to the stage of project Corinth-Tripoli-Kalamata motorway: (a) Tripoli interchange to Solomos interchange; (b) Tripoli to Kalogeriko in Greece

No CF: 93/09/65/023

(Only the Greek text is authentic)

(94/714/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument <sup>(1)</sup>, as last amended by Council Regulation (EC) No 566/94 <sup>(2)</sup>, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments <sup>(3)</sup>, as amended by Regulation (EEC) No 2082/93 <sup>(4)</sup>, are to apply, *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas references to 'project' shall be understood to mean also 'stage of project';

Whereas on 2 July 1993 Greece submitted an application for assistance from the cohesion financial instrument for the project Corinth-Tripoli-Kalamata motorway: (a) Tripoli interchange to Solomos interchange; (b) Tripoli to Kalogeriko;

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC) No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project is a transport infrastructure project of common interest;

Whereas the project forms part of the trans-European network master plan;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 792/93, technically and financially discrete stages of the project have been identified for the purpose of granting assistance from the financial instrument;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities <sup>(5)</sup>, as last amended by Council Regulation (Euratom, ECSC, EEC) No 610/90 <sup>(6)</sup>, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93 and Annex VI hereto;

Whereas all the other conditions laid down, have been complied with,

<sup>(1)</sup> OJ No L 79, 1. 4. 1993, p. 74.

<sup>(2)</sup> OJ No L 72, 16. 3. 1994, p. 1.

<sup>(3)</sup> OJ No L 374, 31. 12. 1988, p. 1.

<sup>(4)</sup> OJ No L 193, 31. 7. 1993, p. 20.

<sup>(5)</sup> OJ No L 356, 31. 12. 1977, p. 1.

<sup>(6)</sup> OJ No L 70, 16. 3. 1990, p. 1.

HAS ADOPTED THIS DECISION:

*Article 1*

1. The stage of project Corinth-Tripoli-Kalamata motorway: (a) Tripoli interchange to Solomos interchange; (b) Tripoli to Kalogeriko in Greece as described in Annex I hereto is hereby approved for the period from 1 January 1993 to 31 December 1994.

2. References to 'project' in the following Articles and Annexes shall be understood to mean also 'stage of project'.

*Article 2*

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 3 758 000.

2. The rate of Community assistance granted to the project shall be fixed at 85 %.

3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 3 194 300.

4. The contribution is committed from the 1994 budget.

*Article 3*

1. Community assistance shall be based on the financial plan for the project set out in Annex II.

2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.

3. The amount of the first advance payment shall be fixed at ECU 1 597 150.

*Article 4*

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Greece and for which the requisite finance has been specifically allocated to works to be completed not later than 31 December 1994.

2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.

3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

*Article 5*

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7, 30, 52 and 59 of the Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the Treaty.

*Article 6*

Systematic monitoring and assessment of the project take place in accordance with the provisions set out in Annex IV hereto.

*Article 7*

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

*Article 8*

Each Annex to this Decision shall form an integral part of it.

*Article 9*

Failure to comply with the provisions of this Decision or its Annexes may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

*Article 10*

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 17 May 1994.

*For the Commission*

Peter SCHMIDHUBER

*Member of the Commission*

## ANNEX I

## SUMMARY

## 1. Project title

Corinth—Tripoli—Kalamata motorway:

- (a) Tripoli interchange to Solomos interchange
- (b) Tripoli to Kalogeriko

## 2. Authority making the application

2.1. Name: Ministry for the National Economy

2.2. Address: Platia Sintagmatos, 10180 Athens

## 3. Authority responsible for implementation

3.1. Name: Ministry for Public Works

3.2. Address: Kharilaou Trikoupi 182, Athens

## 4. Location

4.1. Member State: Greece

4.2. Region: Korinthia, Arkadia

## 5. Brief description

The project stage takes in excavation work (including rocky ground) 430 000 m<sup>3</sup>, embankment construction 400 000 m<sup>3</sup>, minor technical features and other earthwork.

The complete project is for full construction of the sections:

- (a) Tripoli interchange—Solomos interchange (3 km);
- (b) Tripoli interchange Kalogeriko (5 km).

## 6. Principal objectives

Construction of this motorway will contribute to the regional development of Southern Greece. The two sections fit in with other construction work on it.

## 7. Work schedule

|                   | Date of commencement | Date of completion |
|-------------------|----------------------|--------------------|
| Preparation       |                      | Completed          |
| Purchase of land  | August 1993          | 31 December 1994   |
| Main works        | August 1994          | 31 December 1994   |
| Operational phase |                      |                    |

## 8. Cost-benefit analysis

The project is highly worthwhile: estimated B/C = 2, IRR = 11 % and NPV = Dr 45 billion.

## 9. Environmental impact assessment

The environmental terms set by Ministerial Decision No 68678/93 of 17 February 1994 are incorporated in the project objectives.

## 10. Cost

(ECU '000)

| Total cost | Community assistance |
|------------|----------------------|
| 3 758,000  | 3 194,000            |

## 11. Management consultant

A management consultant will be appointed by arrangement between the Commission and Greece.

## ANNEX II

## FINANCING PLAN

Project: 93/09/65/023

(ECU '000)

| Year  | Total cost <sup>(1)</sup> | Public expenditure       |          |                     |    |                      |       |                    |       |       | Private sector |    | Community loans |
|-------|---------------------------|--------------------------|----------|---------------------|----|----------------------|-------|--------------------|-------|-------|----------------|----|-----------------|
|       |                           | Total public expenditure |          | Cohesion instrument |    | National authorities |       |                    |       | Other |                |    |                 |
|       |                           |                          |          |                     |    | Total                |       | Central government | Other |       |                |    |                 |
|       |                           | 1=2+11                   | 2=4+6+10 | % 3=2/1             | 4  | % 5=4/2              | 6=8+9 | % 7=6/2            | 8     | 9     | 10             | 11 |                 |
| 1993  |                           |                          |          |                     |    |                      |       |                    |       |       |                |    |                 |
| 1994  | 3 758,000                 | 3 758,000                | 100      | 3 194,300           | 85 | 563,700              | 15    | 563,700            |       |       |                |    |                 |
| 1995  |                           |                          |          |                     |    |                      |       |                    |       |       |                |    |                 |
| Total | 3 758,000                 | 3 758,000                | 100      | 3 194,300           | 85 | 563,700              | 15    | 563,700            |       |       |                |    |                 |

<sup>(1)</sup> Total eligible cost of project.

## ANNEX III

## FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

## Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of the Decision according to the procedures described in point 12.

## Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Council Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

## Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Council Regulation (EEC) No 4253/88. If the authority designated under point 5 does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

**Procedure for amending the project decision**

12. Any amendments to the Decision shall be made in accordance with the following procedures:
  - (a) amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
  - (b) in the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10 % of the total expenditure planned for the project shall not be regarded as a substantial change.

**Procedure for closing a project**

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.

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**ANNEX IV****MONITORING AND ASSESSMENT**

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

**A. Monitoring**

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
  - the Monitoring Committee set up by each Member State concerned,
  - reports,
  - sample checks.

**Monitoring Committee**

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Greece shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Greece.

5. The Committee shall:

- (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
- (b) give its opinion on the draft annual reports on implementation referred to in point 6;
- (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
- (d) ensure publicity for the project;
- (e) ensure that Community policies are respected, especially environment policy;
- (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

*Reports*

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

*Checks*

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

**B. Assessment**

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.

## ANNEX V

## INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 80 to 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicise the project using appropriate means, especially audiovisual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC <sup>(1)</sup> have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months of adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

<sup>(1)</sup> OJ No L 158, 23. 6. 1990, p. 56.

## ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER  
COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within a specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

## COMMISSION DECISION

of 17 May 1994

concerning the grant of assistance from the cohesion financial instrument to the stages of project concerning sewerage and sewage treatment installations, in Lasithi prefecture in Greece

No CF: 93/09/61/073

(Only the Greek text is authentic)

(94/715/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument <sup>(1)</sup>, as last amended by Council Regulation (EC) No 566/94 <sup>(2)</sup>, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments <sup>(3)</sup>, as amended by Regulation (EEC) No 2082/93 <sup>(4)</sup>, are to apply, *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas references to 'project' shall be understood to mean also 'stages of project';

Whereas on 13 August 1993 Greece submitted an application for assistance from the cohesion financial instrument for the project concerning sewerage and sewage treatment installations in Lasithi prefecture;

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC) No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project is the result of measures taken in accordance with Article 130s of the Treaty;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 792/93, technically and financially discrete stages of the project have been identified for the purpose of granting assistance from the financial instrument;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities <sup>(5)</sup>, as last amended by Council Regulation (Euratom, ECSC, EEC) No 610/90 <sup>(6)</sup>, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93 and Annex VI hereto;

Whereas all the other conditions laid down, have been complied with,

<sup>(1)</sup> OJ No L 79, 1. 4. 1993, p. 74.

<sup>(2)</sup> OJ No L 72, 16. 3. 1994, p. 1.

<sup>(3)</sup> OJ No L 374, 31. 12. 1988, p. 1.

<sup>(4)</sup> OJ No L 193, 31. 7. 1993, p. 20.

<sup>(5)</sup> OJ No L 356, 31. 12. 1977, p. 1.

<sup>(6)</sup> OJ No L 70, 16. 3. 1990, p. 1.

HAS ADOPTED THIS DECISION:

*Article 1*

1. The stages of project concerning sewerage and sewage treatment installations in Lasithi prefecture in Greece as described in Annex I hereto is hereby approved for the period from 1 January 1993 to 31 December 1994.

2. References to 'project' in the following Articles and Annexes shall be understood to mean also 'stage of project'.

*Article 2*

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 7 108 000.

2. The rate of Community assistance granted to the project shall be fixed at 85 %.

3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 6 041 800.

4. The contribution is committed from the 1994 budget.

*Article 3*

1. Community assistance shall be based on the financial plan for the project set out in Annex II.

2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.

3. The amount of the first advance payment shall be fixed at ECU 3 020 900.

*Article 4*

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Greece and for which the requisite finance has been specifically allocated to works to be completed not later than 31 December 1994.

2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.

3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

*Article 5*

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7, 30, 52 and 59 of the Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the Treaty.

*Article 6*

Systematic monitoring and assessment of the project take place in accordance with the provisions set out in Annex IV hereto.

*Article 7*

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

*Article 8*

Each Annex to this Decision shall form an integral part of it.

*Article 9*

Failure to comply with the provisions of this Decision or its Annexes may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

*Article 10*

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 17 May 1994.

*For the Commission*  
Peter SCHMIDHUBER  
*Member of the Commission*

*ANNEX I***SUMMARY****1. Project title**

Sewerage and sewage treatment installations in Lasithi prefecture

**2. Authority making the application**

2.1. Name: Ministry of the National Economy

2.2. Address: Syntagma Squaie, 101 80 Athens

**3. Authority responsible for implementation**

3.1. Name: Ministry of the Interior

3.2. Address: Stadiou 27, Athens

**4. Location**

4.1. Member State: Greece

4.2. Region: Crete

**5. Brief description**

— Urgent sewerage and rainwater drainage works, Sitia

— Sewerage conduit, Ierapetra

— Sewerage conduit, Ag. Nikolaos

— Sewage treatment plant, Elounda (discharge conduit, two pumping-units)

**6. Principal objectives**

Link-up with biological purification plant; reduction of pollution; improvement of public health.

**7. Work schedule**

Date of commencement: 1 January 1994

Date of completion: 31 December 1994

**8. Cost-benefit analysis**

Social utility

**9. Environmental impact assessment**

Significant reduction of pollution. The stage of project must conform with the terms of Decision No 16669 of 13 March 1994 of the Ministry of Land Use, the Environment and Public Works.

## 10. Cost

(ECU '000)

| Total cost | Community assistance |
|------------|----------------------|
| 7 108,000  | 6 041,000            |

11. The project specifications must be in accordance with Council Directive 91/271/EEC <sup>(1)</sup>.

<sup>(1)</sup> OJ No L 135, 30. 5. 1991, p. 40.

## ANNEX II

## FINANCING PLAN

Project: 93/09/61/073

(ECU '000)

| Year  | Total cost (1) | Public expenditure       |       |                     |       |                      |       |                    |       |       | Private sector |         | Community loans |
|-------|----------------|--------------------------|-------|---------------------|-------|----------------------|-------|--------------------|-------|-------|----------------|---------|-----------------|
|       |                | Total public expenditure |       | Cohesion instrument |       | National authorities |       |                    |       | Other |                |         |                 |
|       |                |                          |       |                     |       | Total                |       | Central government | Other |       |                |         |                 |
|       |                |                          |       |                     | %     |                      | %     |                    | %     |       |                |         |                 |
|       | 1=2+11         | 2=4+6+10                 | 3=2/1 | 4                   | 5=4/2 | 6=8+9                | 7=6/2 | 8                  | 9     | 10    | 11             | 12=11/1 | 13              |
| 1993  |                |                          |       |                     |       |                      |       |                    |       |       |                |         |                 |
| 1994  | 7 108,000      | 7 108,000                | 100   | 6 041,800           | 85    | 1 066,200            | 15    |                    |       |       |                |         |                 |
| 1995  |                |                          |       |                     |       |                      |       |                    |       |       |                |         |                 |
| Total | 7 108,000      | 7 108,000                | 100   | 6 041,800           | 85    | 1 066,200            | 15    |                    |       |       |                |         |                 |

<sup>(1)</sup> Total eligible cost of project.

## ANNEX III

## FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

## Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of the Decision according to the procedures described in point 12.

## Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision; as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Council Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

## Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Council Regulation (EEC) No 4253/88. If the authority designated under point 5 does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

#### Procedure for amending the project decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
  - (a) amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
  - (b) in the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10 % of the total expenditure planned for the project shall not be regarded as a substantial change.

#### Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.

### ANNEX IV

#### MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

##### A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
  - the Monitoring Committee set up by each Member State concerned,
  - reports,
  - sample checks.

##### *Monitoring Committee*

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Greece shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Greece.

## 5. The Committee shall:

- (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
- (b) give its opinion on the draft annual reports on implementation referred to in point 6;
- (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
- (d) ensure publicity for the project;
- (e) ensure that Community policies are respected, especially environment policy;
- (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

*Reports*

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

*Checks*

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

**B. Assessment**

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.

## ANNEX V

## INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 80 to 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicise the project using appropriate means, especially audiovisual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC <sup>(1)</sup> have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months of adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

<sup>(1)</sup> OJ No L 158, 23. 6. 1990, p. 56.

## ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER  
COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within a specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

## COMMISSION DECISION

of 17 May 1994

concerning the grant of assistance from the cohesion financial instrument to the stage of project concerning the water supply and sewerage for Mytilene in Greece

No CF: 93/09/61/063

(Only the Greek text is authentic)

(94/716/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument <sup>(1)</sup>, as last amended by Council Regulation (EC) No 566/94 <sup>(2)</sup>, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments <sup>(3)</sup>, as amended by Regulation (EEC) No 2082/93 <sup>(4)</sup>, are to apply, *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas references to 'project' shall be understood to mean also 'stage of project';

Whereas on 2 July 1993 Greece submitted an application for assistance from the cohesion financial instrument for the project concerning the water supply and sewerage for Mytilene;

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC) No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project is the result of measures taken in accordance with Article 130s of the Treaty;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 792/93, technically and financially discrete stages of the project have been identified for the purpose of granting assistance from the financial instrument;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities <sup>(5)</sup>, as last amended by Council Regulation (Euratom, ECSC, EEC) No 610/90 <sup>(6)</sup>, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93 and Annex VI hereto;

Whereas all the other conditions laid down, have been complied with,

<sup>(1)</sup> OJ No L 79, 1. 4. 1993, p. 74.

<sup>(2)</sup> OJ No L 72, 16. 3. 1994, p. 1.

<sup>(3)</sup> OJ No L 374, 31. 12. 1988, p. 1.

<sup>(4)</sup> OJ No L 193, 31. 7. 1993, p. 20.

<sup>(5)</sup> OJ No L 356, 31. 12. 1977, p. 1.

<sup>(6)</sup> OJ No L 70, 16. 3. 1990, p. 1.

HAS ADOPTED THIS DECISION:

*Article 1*

1. The stage of project concerning the water supply and sewerage for Mytilene in Greece as described in Annex I hereto is hereby approved for the period from 1 January 1993 to 31 December 1994.
2. References to 'project' in the following Articles and Annexes shall be understood to mean also 'stage of project'.

*Article 2*

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 1 879 000.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 1 597 150.
4. The contribution is committed from the 1994 budget.

*Article 3*

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 617 525.

*Article 4*

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Greece and for which the requisite finance has been specifically allocated to works to be completed not later than 31 December 1994.
2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.
3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

*Article 5*

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7, 30, 52 and 59 of the Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.
2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the Treaty.

*Article 6*

Systematic monitoring and assessment of the project take place in accordance with the provisions set out in Annex IV hereto.

*Article 7*

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

*Article 8*

Each Annex to this Decision shall form an integral part of it.

*Article 9*

Failure to comply with the provisions of this Decision or its Annexes may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

*Article 10*

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 17 May 1994.

*For the Commission*

Peter SCHMIDHUBER

*Member of the Commission*

## ANNEX I

## SUMMARY

**1. Project title**

Water supply and sewerage for Mytilene

**2. Authority making the application**

2.1. Name: Ministry of the National Economy

2.2. Address: Syntagma Square, 101 80 Athens

**3. Authority responsible for implementation**

3.1. Name: Ministry of the Interior/Mytilene Municipal Water Supply and Sewage Corporation

3.2. Address: Stadiou 27, Athens

**4. Location**

4.1. Member State: Greece

4.2. Region: Northern Aegean

**5. Brief description**

The stage of project concerning the water supply and sewerage for Mytilene comprises:

— construction of 9 400 m of water supply piping and 6 300 m of sewerage.

The project as a whole comprises:

— construction of 68 600 m of water supply piping and installation of 1 000 m<sup>3</sup> tanks,

— construction of 63 900 m of sewerage together with discharge pumping units of 800 kW total installed capacity.

**6. Principal objectives**

Completion of the network and link-up with biological purification plant; improvement of public health.

**7. Work schedule**

Date of commencement: 1 January 1993

Date of completion: 31 December 1994

**8. Cost-benefit analysis**

Social utility

**9. Environmental impact assessment**

Significant reduction of pollution

## 10. Total cost

(ECU '000)

| Total cost | Community assistance |
|------------|----------------------|
| 1 879,000  | 1 597,000            |

11. The project specifications must conform with the provisions of Council Directive 91/271/EEC <sup>(1)</sup> and with the decision of the municipal council at its meeting on 28 and 29 March 1994, to locate the Mytilene biological purification plant at Kará Tepé.

<sup>(1)</sup> OJ No L 135, 30. 5. 1991, p. 40.

## ANNEX II

## FINANCING PLAN

Project: 93/09/61/063

(ECU '000)

| Year  | Total cost <sup>(1)</sup> | Public expenditure       |          |                     |    |                      |       |                    |       |       | Private sector |    | Community loans |
|-------|---------------------------|--------------------------|----------|---------------------|----|----------------------|-------|--------------------|-------|-------|----------------|----|-----------------|
|       |                           | Total public expenditure |          | Cohesion instrument |    | National authorities |       |                    |       | Other |                |    |                 |
|       |                           |                          |          |                     |    | Total                |       | Central government | Other |       |                |    |                 |
|       |                           | 1=2+11                   | 2=4+6+10 | % 3=2/1             | 4  | % 5=4/2              | 6=8+9 | % 7=6/2            | 8     | 9     | 10             | 11 |                 |
| 1993  | 1 453,000                 | 1 453,000                | 100      | 1 235,050           | 85 | 217,950              | 15    |                    |       |       |                |    |                 |
| 1994  | 426,000                   | 426,000                  | 100      | 362,150             | 85 | 63,900               | 15    |                    |       |       |                |    |                 |
| 1995  |                           |                          |          |                     |    |                      |       |                    |       |       |                |    |                 |
| Total | 1 879,000                 | 1 879,000                | 100      | 1 597,150           | 85 | 281,850              | 15    |                    |       |       |                |    |                 |

<sup>(1)</sup> Total eligible cost of project.

## ANNEX III

## FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

## Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of the Decision according to the procedures described in point 12.

## Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Council Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

## Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Council Regulation (EEC) No 4253/88. If the authority designated under point 5 does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

**Procedure for amending the project decision**

12. Any amendments to the Decision shall be made in accordance with the following procedures:
  - (a) amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
  - (b) in the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10 % of the total expenditure planned for the project shall not be regarded as a substantial change.

**Procedure for closing a project**

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.
16. The second payment shall be subject to a commitment by the Member State to carry out the necessary works to ensure the link-up of the project with the purification plant in accordance with the time schedule specified in Directive 91/271/EEC.

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**ANNEX IV****MONITORING AND ASSESSMENT**

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

**A. Monitoring**

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
  - the Monitoring Committee set up by each Member State concerned,
  - reports,
  - sample checks.

**Monitoring Committee**

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Greece shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Greece.

## 5. The Committee shall:

- (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
- (b) give its opinion on the draft annual reports on implementation referred to in point 6;
- (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
- (d) ensure publicity for the project;
- (e) ensure that Community policies are respected, especially environment policy;
- (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

*Reports*

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

*Checks*

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

**B. Assessment**

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.

## ANNEX V

## INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 80 to 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicise the project using appropriate means, especially audiovisual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public, which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC <sup>(1)</sup> have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months of adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

<sup>(1)</sup> OJ No L 158, 23. 6. 1990, p. 56.

## ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER  
COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within a specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

## COMMISSION DECISION

of 17 May 1994

concerning the grant of assistance from the cohesion financial instrument to the stage of project concerning the main sewerage network and installation of a sewage treatment plant at Serres in Greece

No CF: 93/09/61/055-2

(Only the Greek text is authentic)

(94/717/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,  
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument <sup>(1)</sup>, as last amended by Council Regulation (EC) No 566/94 <sup>(2)</sup>, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments <sup>(3)</sup>, as amended by Regulation (EEC) No 2082/93 <sup>(4)</sup>, are to apply, *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas references to 'project' shall be understood to mean also 'stage of project';

Whereas on 2 July and 26 July 1993 Greece submitted an application for assistance from the cohesion financial instrument for the project concerning the main sewerage network and installation of a sewage treatment plant at series;

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC) No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project will help achieve the objectives of Article 130r of the Treaty concerning the environment;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 792/93, technically and financially discrete stages of the project have been identified for the purpose of granting assistance from the financial instrument;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities <sup>(5)</sup>, as last amended by Council Regulation (Euratom, ECSC, EEC) No 610/90 <sup>(6)</sup>, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93 and Annex VI hereto;

Whereas all the other conditions laid down, have been complied with,

<sup>(1)</sup> OJ No L 79, 1. 4. 1993, p. 74.

<sup>(2)</sup> OJ No L 72, 16. 3. 1994, p. 1.

<sup>(3)</sup> OJ No L 374, 31. 12. 1988, p. 1.

<sup>(4)</sup> OJ No L 193, 31. 7. 1993, p. 20.

<sup>(5)</sup> OJ No L 356, 31. 12. 1977, p. 1.

<sup>(6)</sup> OJ No L 70, 16. 3. 1990, p. 1.

HAS ADOPTED THIS DECISION:

*Article 1*

1. The stage of project concerning the main sewerage network and installation of a sewage treatment plant at Serres in Greece as described in Annex I hereto is hereby approved for the period from 1 January to 31 December 1994.

2. References to 'project' in the following Articles and Annexes shall be understood to mean also 'stage of project'.

*Article 2*

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 470 000.

2. The rate of Community assistance granted to the project shall be fixed at 85 %.

3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 399 500.

4. The contribution is committed from the 1994 budget.

*Article 3*

1. Community assistance shall be based on the financial plan for the project set out in Annex II.

2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.

3. The amount of the first advance payment shall be fixed at ECU 199 750.

*Article 4*

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Greece and for which the requisite finance has been specifically allocated to works to be completed not later than 31 December 1994.

2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.

3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

*Article 5*

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7, 30, 52 and 59 of the Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the Treaty.

*Article 6*

Systematic monitoring and assessment of the project take place in accordance with the provisions set out in Annex IV hereto.

*Article 7*

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

*Article 8*

Each Annex to this Decision shall form an integral part of it.

*Article 9*

Failure to comply with the provisions of this Decision or its Annexes may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

*Article 10*

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 17 May 1994.

*For the Commission*  
Peter SCHMIDHUBER  
*Member of the Commission*

## ANNEX I

## SUMMARY

**1. Project title**

Main sewerage network and installation of a sewage treatment plant at Serres

**2. Authority making the application**

2.1. Name: Ministry of the National Economy

2.2. Address: Syntagma Square, 101 80 Athens

**3. Authority responsible for implementation**

3.1. Name: Ministry of the Interior

3.2. Address: Stadiou 27, Athens

**4. Location**

4.1. Member State: Greece

4.2. Region: Central Macedonia

**5. Brief description**

The stage of project concerning the main sewerage network and installation of sewage treatment plant at Serres comprises:

— commencement of construction of 1 300 m of sewer mains.

The project as a whole comprises:

— completion of sewer mains (total length 16 740 m), construction of diversion sumps in the single sewerage/rainwater drainage network, installation of pumping-units and of urban waste treatment facilities in Serres (capacity equivalence 88 000 inhabitants).

**6. Principal objectives**

Completion of the network and link-up with biological purification plant, reduction of pollution; improvement of public health.

**7. Work schedule**

Date of commencement: January 1994

Date of completion: December 1994

**8. Cost-benefit analysis**

Social utility

**9. Environmental impact assessment**

Significant reduction of pollution. The stage of project must conform with the Terms of the decisions (reference No 69080 of 10 March 1994) of the Ministry of Land Use, the Environment and Public Works.

## 10. Total cost

(ECU '000)

| Total cost | Community assistance |
|------------|----------------------|
| 470,000    | 400,000              |

11. The project specifications must be in accordance with Council Directive 91/271/EEC <sup>(1)</sup>.

<sup>(1)</sup> OJ No L 135, 30. 5. 1991, p. 40.

## ANNEX II

## FINANCING PLAN

Project: 93/09/61/055-2

(ECU '000)

| Year  | Total cost <sup>(1)</sup> | Public expenditure       |       |                     |       |                      |       |                    |       |       | Private sector |         | Community loans |
|-------|---------------------------|--------------------------|-------|---------------------|-------|----------------------|-------|--------------------|-------|-------|----------------|---------|-----------------|
|       |                           | Total public expenditure |       | Cohesion instrument |       | National authorities |       |                    |       | Other |                |         |                 |
|       |                           |                          |       |                     |       | Total                |       | Central government | Other |       |                |         |                 |
|       |                           |                          |       |                     | %     |                      | %     |                    | %     |       |                |         |                 |
|       | 1=2+11                    | 2=4+6+10                 | 3=2/1 | 4                   | 5=4/2 | 6=8+9                | 7=6/2 | 8                  | 9     | 10    | 11             | 12=11/1 | 13              |
| 1993  |                           |                          |       |                     |       |                      |       |                    |       |       |                |         |                 |
| 1994  | 470,000                   | 470,000                  | 100   | 399,500             | 85    | 70,500               | 15    | 70,500             |       |       |                |         |                 |
| 1995  |                           |                          |       |                     |       |                      |       |                    |       |       |                |         |                 |
| Total | 470,000                   | 470,000                  | 100   | 399,500             | 85    | 70,500               | 15    | 70,500             |       |       |                |         |                 |

<sup>(1)</sup> Total eligible cost of project.

## ANNEX III

## FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

## Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of the Decision according to the procedures described in point 12.

## Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Council Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

## Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Council Regulation (EEC) No 4253/88. If the authority designated under point 5 does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

**Procedure for amending the project decision**

12. Any amendments to the Decision shall be made in accordance with the following procedures:
  - (a) amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
  - (b) in the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10 % of the total expenditure planned for the project shall not be regarded as a substantial change.

**Procedure for closing a project**

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.
16. The second payment shall be subject to a commitment by the Member State to carry out the necessary works to ensure the link-up of the project with the purification plant in accordance with the time schedule specified in Directive 91/271/EEC.

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**ANNEX IV****MONITORING AND ASSESSMENT**

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

**A. Monitoring**

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
  - the Monitoring Committee set up by each Member State concerned,
  - reports,
  - sample checks.

**Monitoring Committee**

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Greece shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Greece.

## 5. The Committee shall:

- (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
- (b) give its opinion on the draft annual reports on implementation referred to in point 6;
- (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
- (d) ensure publicity for the project;
- (e) ensure that Community policies are respected, especially environment policy;
- (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

*Reports*

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

*Checks*

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

**B. Assessment**

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.

## ANNEX V

## INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 80 to 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicise the project using appropriate means, especially audiovisual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC <sup>(1)</sup> have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months of adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

<sup>(1)</sup> OJ No L 158, 23. 6. 1990, p. 56.

## ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER  
COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within a specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

## COMMISSION DECISION

of 17 May 1994

concerning the grant of assistance from the cohesion financial instrument to the stage of project concerning the drainage and biological clean-up of the region of Loutrakion in Greece

No CF: 94/09/61/001

(Only the Greek text is authentic)

(94/718/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument <sup>(1)</sup>, as last amended by Council Regulation (EC) No 566/94 <sup>(2)</sup>, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments <sup>(3)</sup>, as amended by Regulation (EEC) No 2082/93 <sup>(4)</sup>, are to apply, *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas references to 'project' shall be understood to mean also 'stage of project';

Whereas on 21 February 1994 Greece submitted an application for assistance from the cohesion financial instrument for the project concerning the drainage and biological clean-up of the region of Loutrakion;

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC) No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project will help achieve the objectives of Article 130r of the Treaty concerning the environment;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 792/93, technically and financially discrete stages of the project have been identified for the purpose of granting assistance from the financial instrument;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities <sup>(5)</sup>, as last amended by Council Regulation (Euratom, ECSC, EEC) No 610/90 <sup>(6)</sup>, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93 and Annex VI hereto;

Whereas all the other conditions laid down, have been complied with,

<sup>(1)</sup> OJ No L 79, 1. 4. 1993, p. 74.

<sup>(2)</sup> OJ No L 72, 16. 3. 1994, p. 1.

<sup>(3)</sup> OJ No L 374, 31. 12. 1988, p. 1.

<sup>(4)</sup> OJ No L 193, 31. 7. 1993, p. 20.

<sup>(5)</sup> OJ No L 356, 31. 12. 1977, p. 1.

<sup>(6)</sup> OJ No L 70, 16. 3. 1990, p. 1.

HAS ADOPTED THIS DECISION:

*Article 1*

1. The stage of project concerning the drainage and biological clean-up of the region of Loutrakion in Greece as described in Annex I hereto is hereby approved for the period from 1 January 1993 to 31 December 1994.
2. References to 'project' in the following Articles and Annexes shall be understood to mean also 'stage of project'.

*Article 2*

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 4 579 000.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 3 892 150.
4. The contribution is committed from the 1994 budget.

*Article 3*

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 1 946 075.

*Article 4*

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Greece and for which the requisite finance has been specifically allocated to works to be completed not later than 31 December 1994.
2. Expenditure incurred before 21 February 1994 shall not be eligible for assistance.
3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

*Article 5*

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7, 30, 52 and 59 of the Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.
2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the Treaty.

*Article 6*

Systematic monitoring and assessment of the project take place in accordance with the provisions set out in Annex IV hereto.

*Article 7*

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

*Article 8*

Each Annex to this Decision shall form an integral part of it.

*Article 9*

Failure to comply with the provisions of this Decision or its Annexes may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

*Article 10*

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 17 May 1994.

*For the Commission*

Peter SCHMIDHUBER

*Member of the Commission*

## ANNEX I

## SUMMARY

**1. Project title**

Drainage and biological clean-up of the region of Loutrakion

**2. Authority making the application**

2.1. Name: Ministry of the National Economy

2.2. Address: Syntagmatos, 101 80 Athens

**3. Authority responsible for implementation**

3.1. Name: Ministry of Regional Planning, the Environment and Public Works (YPEKODE)/Municipality of Loutrakion

3.2. Address: Kharilaou Trikoupi 182, Athens

**4. Location**

4.1. Member State: Greece

4.2. Region: Peloponnesos

**5. Brief description**

Drainage and biological clean-up of the region of Loutrakion

This stage of the project involves:

- part of the construction of waste water treatment facilities and 50 % of the piping for the untreated waste water from the existing coastal pumping station to the waste water treatment facilities,
- completion of the construction of waste water treatment facilities, piping for untreated waste water — total length 6 700 m,
- completion and construction of drainage network — total length 800 m,
- construction of piping for treated waste water from the treatment facilities to the sea — total length 2 710 m.

**6. Principal objectives**

Completion of the networks for connection and treatment for biological clean-up, reduction of pollution, improvement of public health.

**7. Work schedule**

Date of commencement: February 1994

Date of completion: 31 December 1994

**8. Cost-benefit study**

Public interest

**9. Environmental impact assessment**

Net reduction in pollution. This stage of the project must comply with the conditions laid down in YPEKODE Decision No 90569 of 18 February 1994.

## 10. Total cost

(ECU '000)

| Total cost | Community assistance |
|------------|----------------------|
| 4 579,000  | 3 892,000            |

11. The project specifications must be in accordance with Council Directive 91/271/EEC <sup>(1)</sup>.

<sup>(1)</sup> OJ No L 135, 30. 5. 1991, p. 40.

## ANNEX II

## FINANCING PLAN

Project: 94/09/61/001

(ECU '000)

| Year  | Total<br>cost <sup>(1)</sup> | Public expenditure          |          |                        |    |                      |       |                       |       |       | Private sector |    | Community<br>loans |
|-------|------------------------------|-----------------------------|----------|------------------------|----|----------------------|-------|-----------------------|-------|-------|----------------|----|--------------------|
|       |                              | Total public<br>expenditure |          | Cohesion<br>instrument |    | National authorities |       |                       |       | Other |                |    |                    |
|       |                              |                             |          |                        |    | Total                |       | Central<br>government | Other |       |                |    |                    |
|       |                              | 1=2+11                      | 2=4+6+10 | %<br>3=2/1             | 4  | %<br>5=4/2           | 6=8+9 | %<br>7=6/2            | 8     | 9     | 10             | 11 |                    |
| 1993  |                              |                             |          |                        |    |                      |       |                       |       |       |                |    |                    |
| 1994  | 4 579,000                    | 4 579,000                   | 100      | 3 892,150              | 85 | 686,850              | 15    | 686,850               |       |       |                |    |                    |
| 1995  |                              |                             |          |                        |    |                      |       |                       |       |       |                |    |                    |
| Total | 4 579,000                    | 4 579,000                   | 100      | 3 892,150              | 85 | 686,850              | 15    | 686,850               |       |       |                |    |                    |

<sup>(1)</sup> Total eligible cost of project.

## ANNEX III

## FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

## Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of the Decision according to the procedures described in point 12.

## Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Council Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

## Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Council Regulation (EEC) No 4253/88. If the authority designated under point 5 does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

**Procedure for amending the project decision**

12. Any amendments to the Decision shall be made in accordance with the following procedures:
  - (a) amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
  - (b) in the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10% of the total expenditure planned for the project shall not be regarded as a substantial change.

**Procedure for closing a project**

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.
16. Payment of the second installment is subject to the Member State's undertaking to carry out the necessary work for transition of the project to the clean-up stage in accordance with Directive 91/271/EEC within the time limit laid down therein.

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**ANNEX IV****MONITORING AND ASSESSMENT**

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

**A. Monitoring**

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
  - the Monitoring Committee set up by each Member State concerned,
  - reports,
  - sample checks.

**Monitoring Committee**

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Greece shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Greece.

## 5. The Committee shall:

- (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
- (b) give its opinion on the draft annual reports on implementation referred to in point 6;
- (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
- (d) ensure publicity for the project;
- (e) ensure that Community policies are respected, especially environment policy;
- (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

*Reports*

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

*Checks*

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

**B. Assessment**

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.
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## ANNEX V

## INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 80 to 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicise the project using appropriate means, especially audiovisual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC <sup>(1)</sup> have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months of adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

<sup>(1)</sup> OJ No L 158, 23. 6. 1990, p. 56.

## ANNEX VI

## OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within a specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.