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II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 27 September 1994

concerning the agreements between the Dutch State, Volvo Car Corporation and Mitsubishi Motors Corporation on the future ownership, plans and financial arrangements of Netherlands Car BV (ex Volvo Car BV)

(C 3/92 ex N 645/91)

(Only the Dutch text is authentic)

Text with EEA relevance

(94/1036/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having regard to the Agreement establishing the European Economic Area, and in particular subparagraph (a) of Article 62 (1) thereof,

Having given the parties concerned the opportunity to submit their comments, in accordance with the abovementioned Articles ⁽¹⁾,

Whereas:

I

By letter of 4 October 1991 the Netherlands notified the Commission, pursuant to Article 93 (2) of the Treaty and in compliance with the terms of the Commission's decision of 13 March 1991 closing a procedure under Article 93 (2) on Volvo Car BV (VCBV) ⁽²⁾, of the agreement between the Dutch State, Volvo Car

Corporation (VCC) and Mitsubishi Motor Corporation (MMC) on the future of VCBV, a Dutch company owned by the Dutch State (70 %) and VCC (30 %), that is producing the Volvo 400 series. The notification described the terms of the phased sale of the Dutch State's holdings in VCBV to MMC and VCC and the proposed participation by the new shareholders in financial arrangements which had been the subject of examination in the decision of 13 March 1991. The notification claimed that the terms of these agreements did not entail State aid.

In March 1991 the Commission closed the Article 93 (2) procedure which it had opened in July 1989 in respect of the Dutch Government's proposed revision and execution of three former financial arrangements in support of VCBV. Following the modifications made to the original notification, the Commission was satisfied that the proposed measures did not contain State aid.

The new series of agreements notified to the Commission covered a wide and complex range of provisions on the future ownership, management and development of VCBV. They included the planning and funding of

⁽¹⁾ OJ No C 105, 25. 4. 1992, p. 16.

⁽²⁾ OJ No C 143, 1. 6. 1991, p. 6.

investments in a new car series, arrangements for management of the company, purchases of the new cars in equal shares by each of the 'industrial parties' (VCC and MMC), and the separation of financial liabilities between shareholders, particularly concerning the existing and the future business of the company.

In their notification the Netherlands maintained that the agreements did not entail State aid. They emphasized the complexity of the negotiations on the Dutch State's phased withdrawal from the company, the need to regard individual elements of the agreement as parts of a global outcome rather than in isolation, and the desire of the Dutch State to dispose of its holding while minimizing its exposure to future commercial risks.

The Commission appreciated the complexity of the case and the need to take account of both individual provisions and the overall agreement emerging from the negotiations in assessing it from the perspective of Article 92 of the EC Treaty. From the perspective that the participation of the Dutch State in the agreements had to be compatible with the behaviour of a private investor operating under normal market conditions if the presumption of State aid was not to apply, the Commission considered that different aspects of the agreement suggested the existence of State aid.

II

On 26 February 1992 the Commission therefore decided to initiate the Article 93 (2) procedure with respect to the possible State aid elements in the arrangements between the Dutch State, VCC and MMC⁽¹⁾. By letter dated 20 March 1992, the Commission informed the Dutch Government of its decision and requested it to submit its comments within one month from the date of that letter. No comments on the opening of the procedure were received from third parties other than from the industrial parties directly concerned by the procedure.

In the opening of the procedure the Commission described in detail the nature and details of the new agreements as well as its doubts as to the compatibility of the notified agreements with Article 92. According to the Commission, these agreements contained provisions which, *prima facie*, constituted State aid within the meaning of Article 92 to the extent that:

- the decision to end the Volvo 400 series earlier than anticipated at the time of the Commission decision of 13 March 1991 would be at the expense largely, if

not exclusively, of the Dutch State; yet there was no evidence of the State receiving any compensation for this loss,

- the price and terms on which Mitsubishi acquire a holding in VCBV appeared unduly generous,
- it was difficult to justify the proposal of the Dutch State to lend Fl 700 million interest free to the company for developing the new car series from the perspective of a rational private investor.

Furthermore, the Commission was particularly concerned with following provisions in the agreements from the perspective of Article 92:

- it was not certain that the system of allocating costs between the Volvo 400 series business and the new project business, if acceptable in principle, would not give rise to unfair loading of costs on the former business at the expense effectively of the Dutch State,
- the proposed transfer pricing system for Volvo 400 series cars charged to VCC could entail State aid.

III

Following the opening of the procedure, the Netherlands submitted its comments to the Commission's letter by letter dated 20 May 1992. By letters dated respectively 21, 25 and 22 May 1992 VCC, MMC and Netherlands Car BV (NedCar), formerly VCBV, also submitted their comments with regard to the opening of the procedure.

By letter dated 8 July 1992 the Commission requested supplementary information from the Netherlands by way of a detailed questionnaire. The Commission also asked the Netherlands for its remarks on the different comments of the companies concerned. A reply to this request was received by letter of 22 December 1992. The Commission sent an additional questionnaire to the Netherlands by letter of 19 March 1993 in order to make a final analysis of the State aid elements involved possible. The Netherlands answered these additional questions by letter of 2 June 1993.

By letter of 4 October 1993 the Netherlands informed the Commission of its intention to grant a guarantee on a loan to NedCar. It was argued that this loan was necessary given the temporary liquidity problems of NedCar. As this guarantee was given by the Dutch State in its function as a normal shareholder and in proportion to its shareholding, the Commission did not consider this guarantee to be State aid.

Following this correspondence, a series of meetings was held on 6 October 1993, 8 February, 9 March, 28 April and 3 May 1994 to further discuss the issues raised in

⁽¹⁾ OJ No C 105, 25. 4. 1992, p. 16.

the opening of the procedure and the information provided by the Netherlands. This was complemented by further written information from the Netherlands, and the companies concerned dated 18 November 1993 and 9/10 March, 21 and 28 April, 2 and 24 May 1994.

IV

In their replies to the opening of the procedure all parties insisted on their view that the agreement should be regarded as a whole, when asking the question whether any State aid is involved. Apart from the prices paid for the shares, there are other considerations which should be taken into account. These include a technology transfer from MMC which could lead to a loss reduction on the Volvo 400 series, the sharing of the fixed costs by the project and the Volvo 400 series with a reduction of costs for the latter, and an improvement in marketing efficiency by the transfer of this task to VCC.

As regards the Commission's view that the new agreement would, when compared to the previous arrangements, be at the expense of the Dutch State, the Netherlands maintained that all other options available would have been less beneficial to it than the agreement in question. These options contained in the Dutch Government's view the immediate liquidation of VCBV, its continuation as a going concern with the development of a new model, a phased termination (i.e. stopping production after the end of the Volvo 400 series without the development of a new model), and the sale of all shares to VCC. A privatization of VCBV via the stock market would have been impossible without the consent of VCC, since VCBV was a private limited company. Such consent was very unlikely to be forthcoming. An alternative producer, that was interested in buying VCBV, could not have been found, despite VCBV's efforts to that effect. Therefore, the liquidations scenario was seen by all parties as a relatively likely outcome, had it not been for the present arrangement. VCC explicitly stated that it would have been willing to see VCBV liquidated. Furthermore, both industrial parties maintained that they had not been seeking aid and that even if other options might have been more beneficial to the Dutch State than the one chosen, no benefit accrued to VCC and MMC as a result of the solution found.

As regards the individual elements of the agreement containing State aid according to the Commission, the Dutch State, NedCar and VCC insisted that the premature termination of the Volvo 400 series constituted in fact a gain to the Dutch State and VCC, since with increasing model age sales prospects would have dropped and losses would have increased. These increased losses would in their view have more than

offset the additional payments into the funds, and therefore a premature termination would have been likely even without the project. In connection with this argument, VCC also claimed that the shortfall in sales due to the premature termination will only be 100 000 cars instead of the Commission's estimate of 230 000, due to bad market conditions.

The industrial parties also argued that because of the project it was possible to spread the overheads of the Born plant, therefore increasing the profitability of the Volvo 400 series and thus reducing the losses falling on the Dutch State.

All parties insisted that the consideration paid by MMC for its shares was fair, since in addition to the share price MMC agreed to provide additional input in the form of training and management techniques, which would improve the Volvo 400 series profit forecast and therefore the probability of a higher return for the Dutch State. In the most recent meetings and the information transmitted in writing, the effects of these efforts were demonstrated. In addition, MMC agreed to a loss limitation for the Dutch State, which it regards as a concession, while the Dutch State did not provide any of the traditional assurances as to the value of the company, such as warranties or guarantees. Furthermore, VCC and MMC have to pay for any use they make of NedCar's resources before 1996. Therefore, MMC considered that it paid for the acquisition of shares much too early, thus in effect granting an interest-free loan to NedCar. To enable the Dutch State to exit from NedCar, it also acquired a 50 % share contrary to its original intention to limit itself to 30 % i.e. 60 000 cars p. a. Originally, it intended to buy this share only in a company that contained only assets useful to the project, but negotiations with VCC along these lines failed. Therefore, the actual venture is larger, more expensive and more risky than MMC had intended it to be, but because of the unique opportunity to enter the Community market in cooperation with an established manufacturer MMC was willing to take the leap.

The arrangement on the interest-free loan is seen by all parties as being advantageous to the Dutch State, when compared to the previous arrangement. This assertion is based on the fact that the money from the royalty payments to the A and B funds is only revolved once for this loan, whereas the 1991 decision allowed for the unlimited revolution of the A-fund and one interest-free revolution of the B-fund, so that all industrial parties had the legitimate expectation of at least one further revolution. Thus the repayment of these funds to the Dutch State in their view occurs earlier and therefore has a higher present value. Furthermore, although it gave up the chance of obtaining a surplus on these loans, the

Dutch State has a higher certainty of repayment, since the instalments after 1998 will be independent of the sales of the new car and will be guaranteed through payments by NedCar into a blocked account one year in advance. This latter certainty does not exist for the industrial parties. Furthermore, the parties insisted that the Dutch State's contribution to the project would probably be lower than that of VCC and MMC, since the latter have to bear the cost overruns estimated at Fl 500 million.

Fixing of the 1998 exit price for the Dutch State in spite of the significant investments in NedCar, undertaken in the interim by the parties, is claimed to be a normal method, which reduces the incentive of the option holders (VCC and MMC) to minimize the value of the company. This was specifically requested by the Dutch State to escape the risk of a much lower future receipt due to possible launching losses or learning curve effects.

As concerns the determination of the sales price, both VCC and MMC claimed that VCBV had a negative book value, and that its only value to both parties lay in the efficiency gains to be obtained through restructuring the company and injecting new technology and in the value of the assets obtained. The gains were made possible through the participation of MMC, without which VCC would have sought to close the Born plant. The buyers, i. e. VCC and MMC, would not pay for all these gains, since they were only made possible by their own efforts. The asset value is estimated by both companies to be significantly lower than the price agreed upon, namely of Fl 300 million (VCC) or 180 million (MMC) respectively. The fact that the Dutch State bought VCBV shares from the Dutch holding company, DSM, for a significantly lower price than the one it obtained from VCC and MMC is also cited as proof that the valuation of the company was rather too high than too low.

As the buyers did not want to acquire an interest in a going concern with the attached goodwill but only assets, they regarded the valuation by KPMG, which was undertaken on a going concern basis, as irrelevant. They further criticized it as being based on unrealistic sales expectations, taking no account of either liquidation costs or the costs of developing a successor model and including no risk factor.

On the cost allocation system the parties stated that this system cannot be discriminatory, since its adoption requires the consent of all participants. NedCar does the allocation for all parties.

On the transfer prices the parties submitted that any discrimination would be prevented by the fact that all shareholders keep the option to return to the old system. Furthermore, the new system does not guarantee a net profit for VCC, since the 'reference gross profit level' produced losses for the company in 1991. The fixed cost guarantee to NedCar by VCC in case of lower sales of Volvo 400 cars is also seen as an incentive for VCC to increase sales and reduce costs.

V

In all its letters the Netherlands emphasized its view that all elements of the transaction had to be seen as a whole and that, by doing this, it would become clear that the Dutch State had achieved the best possible outcome. Since the opening of the procedure the Commission has come to accept that all provisions of the Shareholders' Agreement should be seen as a whole. It therefore does not any longer consider it useful to look at the different elements of the agreement and to answer the viewpoints of the Netherlands and the industrial parties as expressed in the previous paragraphs, but rather sought to establish whether the expected return from the sale is at least equal to the real value of the company or the sale contains State aid.

As the Netherlands did not solicit bids for VCBV but negotiated exclusively with VCC and MMC, the Commission, in line with its constant practice, considers it necessary to dispose of an independent valuation of the company to serve as a reference basis to compare with the expected return of the present deal. Since the Dutch authorities and the industrial parties did not consider the KPMG valuation to be a reliable basis of comparison, a further independent asset-based study was undertaken on the Commission's request by the firm of auditors, Marshall and Stevens Inc., which arrived at a "fair market value for continued use" of Fl 424 245 million, resulting in a figure of Fl 297 million for the 70 % share of the Dutch State. If the present arrangements lead to a lower income for the Dutch State, then the Dutch State should have tried to dispose of its holding in NedCar by an open bid. The argument, put forward earlier by the Dutch authorities, that no purchaser would have come forward because of VCC's 30 % share in the company, was not convincing, since e.g. BMW was willing to take a majority shareholding in Rover Group although Honda also had a 20 % stake in that company.

The Commission assesses that the result of this asset valuation is a good proxy for the value of the company as a whole, since at the moment of sale the values of the current and long-term liabilities as well as the provisions are estimated to have cancelled out the values of the receivables and other liquid assets as well as the

inventory and the financial assets. Therefore, the Commission considers the amount of Fl 297 million as the floor for the income that the Dutch State should draw from the sale of NedCar, for it to be satisfied that no State aid is involved in the sale arrangements. The Dutch authorities accepted this approach by the Commission.

The Commission can agree to the argument that the weak competitive position of VCBV left it with insufficient funds to develop a new model on its own and that the old shareholders did not want to inject the funds necessary for it. This, however, does not apply to the facelift of the Volvo 400 series, work on which was already under way. Therefore, the only other remaining realistic alternative that was also put forward by the Dutch authorities was the termination of production of the plant without the development of a new model and without the injection of new funds. The industrial parties and the Netherlands argued that in such a case, sales of the product would have fallen more rapidly and that this would have led to a closure of the company in 1993, when its revenue would have fallen below a level needed to cover its out-of-pocket expenses. Although it may be questioned that production in a plant would be halted immediately, just because its revenue would fall below this point for one year, this argument is accepted for calculating what the Dutch State would have obtained from the A and B funds in such a situation. Assuming sales of 93 700 in 1992 and 83 000 in 1993, the funds would have held Fl 303,2 million in nominal terms or Fl 289,6 million in 1991 present value terms. This result is very close to the income from the asset valuation.

In order to assess the effect of the present arrangements on the Dutch State's revenue, the Commission calculated the returns to the Dutch State in present value terms on the basis of the information available in 1991. It established two alternative but realistic scenarios, assuming a more optimistic and a more pessimistic market development with Volvo 400 sales varying accordingly, as well as higher and lower degrees of rationalization and cost reduction through the intervention of MMC with an effect on the development of NedCar's losses. The financing requirements for the development loans for the new model were also taken into account as well as the projected income from spare parts sales for the Volvo 400 series. The optimistic and pessimistic scenarios yielded incomes to the Dutch State in 1991 present value terms of Fl 365,3 million and 274,0 million respectively, which results in an expected value for the Dutch State of the present agreements of Fl 319,7 million.

Comparing this estimated return with the established value of the company and with the alternative path that could have been taken by the Dutch authorities, the Commission is satisfied that the arrangements of the sale of NedCar to VCC and MMC do not contain State aid elements.

It will, however, have to be ensured that these returns to the Dutch State are not reduced further through other elements of the complex agreements of NedCar's privatization. Here, the Commission was concerned about three aspects:

- Article 13.1 of the Shareholders' Agreement contains a provision allowing the Dutch State to sell its remaining shares in 1998 at half price to one industrial party, if the other party has stepped out of NedCar through bankruptcy or voluntary sale before that date. The Netherlands has argued that this is merely an additional option, which might be used rather than attempting to sell 50 % of the remaining shares to the bankrupt party, which would disrupt NedCar. Furthermore, if only one party remains, it might have to run NedCar unprofitably below capacity and without the desired synergy effects. The commission considers that these arguments might have some validity in the case of the bankruptcy of one party, but are not at all convincing in case of the voluntary buyout by one partner, which thereby shows its willingness to operate the plant alone at full capacity. It is therefore concerned that such a half-price sale could constitute State aid to the remaining industrial party, which it would have to investigate, should such a scenario arise. The Netherlands has undertaken to notify the Commission, if it wishes to make use of this provision of the Shareholders' Agreement,
- while a Separate Agreement between the parties establishes a minimum return of Fl 380 million in nominal terms to the Dutch State from the whole transaction and thus a loss exposure limit ⁽¹⁾, Article 4.2 (d) of the Shareholders' Agreement stipulates, that if this limit were in danger of being exceeded, the parties would decide whether and how to continue production of the Volvo 400 series. Although this provision would apply only in a worst case scenario and although the partners might in such circumstances decide to prevent further losses through closure of the plant, the provision could lead to additional exposure on the Dutch State's side and therefore to a lower return to it, which would have to be regarded as State aid. While the Commission acknowledges that such a case is rather unlikely, and that even in its pessimistic scenario this problem does not arise, it would however have to investigate such aid, should the parties have to invoke this provision. The Netherlands has undertaken to notify to the Commission any intention to invoke this provision of the Shareholders' Agreement,

⁽¹⁾ OJ No C 105, 25. 4. 1992, p. 18.

- while production of the Volvo 400 series continues at the Born plant, preparations for production of the new models including the necessary investment are under way. This M/V-car project will require substantial investment in new machinery which for practical reasons may also be used for the Volvo 400 series. The potential for distortions through inadequate depreciation rules for these investments is large. If the depreciation on such machinery, installed exclusively because of the new project and for its eventual employment in it, were partly charged to the old production line, losses on the Volvo 400 series and thus the Dutch State's loss coverage obligation would increase, which would be an element of indirect subsidization to the new project. Therefore the Commission will have to analyse these cost allocation rules for the production plant, once they are finalized. Cost allocation rules have so far been agreed only for the managerial and engineering departments. Here, the Commission is satisfied that these rules do not contain State aid elements. The Netherlands will have to notify the Commission of these allocation rules once they have been agreed upon. It has also asked the Commission to indicate which rules it would consider adequate. An outline of the Commission's view is added to the letter to the Dutch Government as an appendix.

On the issues that still have to be analysed separately, i. e. transfer price system and the adequacy of the share price paid by MMC, the Commission has been convinced by the information provided by the Netherlands and the industrial parties that they do not contain State aid. In particular, the share price paid by MMC is adequate, as the company provided and still provides 'payments in kind' in the form of technical support to NedCar improving thereby the production cost of the Volvo 400. Evidence of this support and the positive effects on the cost structure of NedCar has been provided.

VI

In conclusion, the Commission notes that the various agreements between the Dutch State, VCC and MMC on the future of NedCar, as they are executed now, do not contain elements of State aid. It also notes that specific provisions of these agreements might lead to the granting of State aid in the future and that the Netherlands has undertaken to notify the Commission of such aid in these cases so that it could investigate them and take a position as to its compatibility with Article 92 (1) of the Treaty as well as Article 61 (1) of the EEA Agreement. It will also immediately be notified by the Netherlands of the rules

governing the allocation of costs for the production plant between the Volvo 400 series and the M/V projects, so that it can form its opinion on whether these provisions contain State aid,

HAS ADOPTED THIS DECISION:

Article 1

The various agreements between the Dutch State, VCC and MMC concerning the future ownership, plans and financial arrangements of Netherlands Car BV do not contain elements of State aid on condition that the provisions of Article 2 are respected.

Article 2

The Netherlands shall notify the Commission if it wishes to make use of any of the following provisions of the Shareholders' Agreement:

- the provision of Article 13.1 allowing the Dutch State to sell its remaining shares in 1998 at half price to one industrial party, if the other party has withdrawn from Netherlands Car BV through bankruptcy, voluntary sale or for any other reason before that date,
- any decision of the shareholders on the basis of Article 4.2 (d) on whether and how to continue the production of the Volvo 400 series in circumstances where the loss compensation limit of the Dutch State is in danger of being exceeded.

Furthermore the Netherlands shall notify to the Commission the cost allocation rules between the Volvo 400 series and the new project for the production plant upon their agreement by the shareholders.

Article 3

The Netherlands shall inform the Commission within one month from the notification of this Decision of the measures taken to comply herewith.

Article 4

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 27 September 1994.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION DECISION

of 9 December 1994

on the approval of the Single Programming Document for Community structural assistance in the region of Haute-Normandie concerned by Objective 2 in France

(Only the French text is authentic)

(94/1037/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the French Government has submitted to the Commission on 29 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the region of Haute-Normandie; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 5.

⁽⁵⁾ OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas the Single Programming Document satisfies the conditions and includes the information required by Article 14 of Regulation (EEC) No 4253/88;

Whereas Article 9 (3) of Regulation (EEC) No 4253/88 lays down that Member States shall provide the relevant financial information to the Commission to permit verification of the respect of the principle of additionality; whereas the analysis, in the framework of partnership, of the information provided for by the

French authorities has not yet allowed this verification; whereas, payments should therefore be suspended after the first advance provided for in Article 21 (2) of the said Regulation until the Commission will have verified the respect of the additionality;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88, and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the region of Haute-Normandie concerned by Objective 2 in France, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in France;

the main priorities are:

1. diversification of economic activity;
2. improvement of ports;
3. development of technological and research potential;
4. restoration of the environment and urban regeneration;

- (b) the assistance from the Structural Funds as referred to in Article 4;

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- (c) the detailed provisions for implementing the Single Programming Document comprising:
 - the procedures for monitoring and evaluation,
 - the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

ECU million (1994 prices)	
1994	46,405
1995	48,390
1996	51,205
Total	146,00

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 146 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 222 million for the public sector and ECU 29 million for the private sector, may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

- 1. The breakdown among the Structural Funds of the total Community assistance available is as follows:
 - ERDF: ECU 112,120 million,
 - ESF: ECU 33,880 million.

- 2. The budgetary commitments for the first instalment are as follows:
 - ERDF: ECU 35,637 million,
 - ESF: ECU 10,768 million.

Commitments of subsequent instalments will be based on the financing plan for the Single Programming Document and on progress in its implementation.

- 3. The financial contribution will be suspended after the payment of the first advance provided for in Article 21 (2) of Regulation (EEC) No 4253/88 until such time as the Commission has verified the respect of the principle of additionality on the basis of the relevant information supplied by the Member State.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 8

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52, 59, 92 and 93 of the EC Treaty and the Community Directives on the coordination of procedures for the award of contracts.

Article 9

This Decision is addressed to the French Republic.

Done at Brussels, 9 December 1994.

For the Commission
Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 9 December 1994

on the approval of the Single Programming Document for Community structural assistance in the region of Provence-Alpes-Côte d'Azur concerned by Objective 2 in France

(Only the French text is authentic)

(94/1038/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the French Government has submitted to the Commission on 29 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the region of Provence-Alpes-Côte d'Azur; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring; within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 5.

⁽⁵⁾ OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas the Single Programming Document satisfies the conditions and includes the information required by Article 14 of Regulation (EEC) No 4253/88;

Whereas Article 9 (3) of Regulation (EEC) No 4253/88 lays down that Member States shall provide the relevant financial information to the Commission to permit verification of the respect of the principle of additionality; whereas the analysis, in the framework of partnership, of the information provided for by the

French authorities has not yet allowed this verification; whereas, payments should therefore be suspended after the first advance provided for in Article 21 (2) of the said Regulation until the Commission will have verified the respect of the additionality;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88, and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the region of Provence-Alpes-Côte d'Azur concerned by Objective 2 in France, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in France;

the main priorities are:

1. integrated development of firms;
2. strengthening the area's potential;
3. making the most of the area's position on the Mediterranean;
4. technical Assistance;

- (b) the assistance from the Structural Funds as referred to in Article 4;

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- (c) the detailed provisions for implementing the Single Programming Document comprising:
- the procedures for monitoring and evaluation,
 - the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

<i>ECU million (1994 prices)</i>	
1994	36,013
1995	37,486
1996	39,601
Total	113,100

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 113,1 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 139 million for the public sector and ECU 43 million for the private sector, may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:
- ERDF: ECU 95,7 million,
 - ESF: ECU 17,4 million.

2. The budgetary commitments for the first instalment are as follows:

- ERDF: ECU 32,782 million,
- ESF: ECU 3,231 million.

Commitments of subsequent instalments will be based on the financing plan for the Single Programming Document and on progress in its implementation.

3. The financial contribution will be suspended after the payment of the first advance provided for in Article 21 (2) of Regulation (EEC) No 4253/88 until such time as the Commission has verified the respect of the principle of additionality on the basis of the relevant information supplied by the Member State.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 8

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52, 59, 92 and 93 of the EC Treaty and the Community Directives on the coordination of procedures for the award of contracts.

Article 9

This Decision is addressed to the French Republic.

Done at Brussels, 9 December 1994.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 9 December 1994

on the approval of the Single Programming Document for Community structural assistance in the region of Picardie concerned by Objective 2 in France

(Only the French text is authentic)

(94/1039/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the French Government has submitted to the Commission on 28 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the region of Picardie; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

(¹) OJ No L 374, 31. 12. 1988, p. 1.

(²) OJ No L 193, 31. 7. 1993, p. 20.

(³) OJ No L 185, 15. 7. 1988, p. 9.

(⁴) OJ No L 193, 31. 7. 1993, p. 5.

(⁵) OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas the Single Programming Document satisfies the conditions and includes the information required by Article 14 of Regulation (EEC) No 4253/88;

Whereas Article 9 (3) of Regulation (EEC) No 4253/88 lays down that Member States shall provide the relevant financial information to the Commission to permit verification of the respect of the principle of additionality; whereas the analysis, in the framework of partnership, of the information provided for by the

French authorities has not yet allowed this verification; whereas, payments should therefore be suspended after the first advance provided for in Article 21 (2) of the said Regulation until the Commission will have verified the respect of the additionality;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88, and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the region of Picardie concerned by Objective 2 in France, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in France;

the main priorities are:

1. training and research;
2. modernization of the economic fabric;
3. environmental protection;
4. development of the region's attractiveness;

- (b) the assistance from the Structural Funds as referred to in Article 4;

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- (c) the detailed provisions for implementing the Single Programming Document comprising:
 - the procedures for monitoring and evaluation,
 - the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

ECU million (1994 prices)	
1994	38,905
1995	40,569
1996	42,926
Total	122,400

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 122,4 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 222 million for the public sector and ECU 85 million for the private sector, may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

- 1. The breakdown among the Structural Funds of the total Community assistance available is as follows:
 - ERDF: ECU 98,839 million,
 - ESF: ECU 23,561 million.

- 2. The budgetary commitments for the first instalment are as follows:
 - ERDF: ECU 31,416 million,
 - ESF: ECU 7,489 million.

Commitments of subsequent instalments will be based on the financing plan for the Single Programming Document and on progress in its implementation.

- 3. The financial contribution will be suspended after the payment of the first advance provided for in Article 21 (2) of Regulation (EEC) No 4253/88 until such time as the Commission has verified the respect of the principle of additionality on the basis of the relevant information supplied by the Member State.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 8

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52, 59, 92 and 93 of the EC Treaty and the Community Directives on the coordination of procedures for the award of contracts.

Article 9

This Decision is addressed to the French Republic.

Done at Brussels, 9 December 1994.

For the Commission
Bruce MILLAN
Member of the Commission

COMMISSION DECISION

of 9 December 1994

on the approval of the Single Programming Document for Community structural assistance in the region of Auvergne concerned by Objective 2 in France

(Only the French text is authentic)

(94/1040/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the French Government has submitted to the Commission on 28 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the region of Auvergne; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

(¹) OJ No L 374, 31. 12. 1988, p. 1.

(²) OJ No L 193, 31. 7. 1993, p. 20.

(³) OJ No L 185, 15. 7. 1988, p. 9.

(⁴) OJ No L 193, 31. 7. 1993, p. 5.

(⁵) OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas the Single Programming Document satisfies the conditions and includes the information required by Article 14 of Regulation (EEC) No 4253/88;

Whereas Article 9 (3) of Regulation (EEC) No 4253/88 lays down that Member States shall provide the relevant financial information to the Commission to permit verification of the respect of the principle of additionality; whereas the analysis, in the framework of partnership, of the information provided for by the

French authorities has not yet allowed this verification; whereas, payments should therefore be suspended after the first advance provided for in Article 21 (2) of the said Regulation until the Commission will have verified the respect of the additionality;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88, and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the region of Auvergne concerned by Objective 2 in France, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in France;

the main priorities are:

1. strengthening the competitiveness of enterprise;
2. development of training and research;
3. promote and assist local development;

- (b) the assistance from the Structural Funds as referred to in Article 4;

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- (c) the detailed provisions for implementing the Single Programming Document comprising:
- the procedures for monitoring and evaluation,
 - the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

ECU million (1994 prices)	
1994	19,422
1995	20,250
1996	21,428
Total	61,100

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 61,1 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 64,9 million for the public sector may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: ECU 50,626 million,
- ESF: ECU 10,474 million.

2. The budgetary commitments for the first instalment are as follows:

- ERDF: ECU 16,092 million,
- ESF: ECU 3,330 million.

Commitments of subsequent instalments will be based on the financing plan for the Single Programming Document and on progress in its implementation.

3. The financial contribution will be suspended after the payment of the first advance provided for in Article 21 (2) of Regulation (EEC) No 4253/88 until such time as the Commission has verified the respect of the principle of additionality on the basis of the relevant information supplied by the Member State.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 8

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52, 59, 92 and 93 of the EC Treaty and the Community Directives on the coordination of procedures for the award of contracts.

Article 9

This Decision is addressed to the French Republic.

Done at Brussels, 9 December 1994.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 9 December 1994

on the approval of the Single Programming Document for Community structural assistance in the region of Lorraine concerned by Objective 2 in France

(Only the French text is authentic)

(94/1041/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the French Government has submitted to the Commission on 28 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the region of Lorraine; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

(¹) OJ No L 374, 31. 12. 1988, p. 1.

(²) OJ No L 193, 31. 7. 1993, p. 20.

(³) OJ No L 185, 15. 7. 1988, p. 9.

(⁴) OJ No L 193, 31. 7. 1993, p. 5.

(⁵) OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas the Single Programming Document satisfies the conditions and includes the information required by Article 14 of Regulation (EEC) No 4253/88;

Whereas Article 9 (3) of Regulation (EEC) No 4253/88 lays down that Member States shall provide the relevant financial information to the Commission to permit verification of the respect of the principle of additionality; whereas the analysis, in the framework of partnership, of the information provided for by the

French authorities has not yet allowed this verification; whereas, payments should therefore be suspended after the first advance provided for in Article 21 (2) of the said Regulation until the Commission will have verified the respect of the additionality;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88, and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the region of Lorraine concerned by Objective 2 in France, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in France;

the main priorities are:

1. creation of activity;
2. continuation of industrialization in the PED (cross-border regional group);

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- 3. diversification of small and medium-sized enterprises;
 - 4. supply and quality of training;
 - 5. improving the regions environment and attraction;
 - 6. tourism;
- (b) the assistance from the Structural Funds as referred to in Article 4;
- (c) the detailed provisions for implementing the Single Programming Document comprising:
- the procedures for monitoring and evaluation,
 - the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

ECU million (1994 prices)	
1994	40,48
1995	42,23
1996	44,69
Total	127,40

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 127,4 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 142 million for the public sector and ECU 14 million for the private sector, may be met in part

by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: ECU 102,93 million,
- ESF: ECU 24,47 million.

2. The budgetary commitments for the first instalment are as follows:

- ERDF: ECU 32,71 million,
- ESF: ECU 7,77 million.

Commitments of subsequent instalments will be based on the financing plan for the Single Programming Document and on progress in its implementation.

3. The financial contribution will be suspended after the payment of the first advance provided for in Article 21 (2) of Regulation (EEC) No 4253/88 until such time as the Commission has verified the respect of the principle of additionality on the basis of the relevant information supplied by the Member State.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 8

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52, 59, 92 and 93 of the EC Treaty

and the Community Directives on the coordination of
procedures for the award of contracts.

Done at Brussels, 9 December 1994.

Article 9

This Decision is addressed to the French Republic.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 13 December 1994

authorizing the grant by the United Kingdom of aid to the coal industry

(Only the English text is authentic)

(Text with EEA relevance)

(94/1042/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community.

Having regard to Commission Decision No 2064/86/ECSC of 30 June 1986 establishing Community rules for State aid to the coal industry ⁽¹⁾,

Whereas:

I

By letters of 26 September 1994 and of 15 November 1994, the United Kingdom notified the Commission, in conformity with Article 9 (2) of Decision No 2064/86/ECSC, of financial measures it has taken in respect of the coal industry during the period 1986 to 1993.

The following aid is submitted for the approval of the Commission pursuant to Decision No 2064/86/ECSC:

- 1 390 000 pounds sterling to the private coal mining industry in the form of investment grants for the development of mines for the period 1986 to 1993.

Since the decision to grant the investment aid was taken prior to the 1 January 1994, the measure planned by the United Kingdom to support the coal industry complies with Article 1 (1) of Decision No 2064/86/ECSC. Consequently, pursuant to Article 10 thereof the Commission must determine whether the measure is compatible with the objectives and criteria laid down in that Decision and the proper functioning of the common market.

II

Under the terms of the Coal Industry Nationalization Act 1946, coal mining in the United Kingdom has been the

responsibility of the State-owned National Coal Board and of its successor, the British Coal Corporation. Nevertheless, under Section 36 of the abovementioned Act, coal mining was permitted by the private sector under strict licensing arrangements with the British Coal Corporation.

The private coal mining sector in the United Kingdom has therefore been relatively restricted, consisting of very small drift mines or opencast sites generally situated in regions with economic difficulties and with high levels of unemployment. Total private sector coal production has historically been of the order of 3 % of the total UK output.

In 1984 the United Kingdom notified to the Commission amendments to the Regional Selective Assistance Scheme, which were approved by the Commission on 26 December 1984. This regional aid scheme is designed to enable projects to go ahead where these have good prospects of commercial viability, but where certain financial assistance, in the form of grants, is necessary for the project to proceed. It covers a wide range of activities, including projects and ventures in the coal sector.

In approving the Regional Selective Assistance Scheme, the Commission reminded the United Kingdom Government that the Community legislation and codes applicable to certain sectors of industry had to be observed in the implementation of the regional aid system. Any financial assistance which gives coal industry undertakings an economic advantage has to be assessed within the context of the ECSC Treaty and, in particular, under the provisions of Decision No 2064/86/ECSC.

The United Kingdom Government recognizes its oversight in not having previously sought Commission approval before committing itself to provide assistance to coal industry undertakings. Since all the measures were decided upon, and the budgetary commitments made, by the United Kingdom Government during the period 1986 to 1993, they will have to be evaluated under the provisions of the Decision then in force, namely Decision No 2064/86/ECSC.

⁽¹⁾ OJ No L 177, 1. 7. 1986, p. 1.

III

The following aid has therefore been submitted for the approval of the Commission pursuant to Decision No 2064/86/ECSC:

- an investment grant of up to 70 000 pounds sterling to Caledon Coal Limited towards the reopening of a coal mine at Skares, near Cumnock, Ayrshire,
- an investment grant of up to 30 000 pounds sterling to Signal Fern Limited towards the development of a new coal mine at Cwmhwnt, Rhigos, Mid Glamorgan,
- an investment grant of up to 20 000 pounds sterling to New Parc Fuels Limited towards the development of a coal mine at Bryn Newydd, Port Talbot, West Glamorgan,
- an investment grant of up to 98 000 pounds sterling to Ffyonau Duon Mines Limited towards the development of a drift coal mine at Blaentillery, Blaenavon, Gwent,
- an investment grant of up to 75 000 pounds sterling to Cavendish Coal Company Limited towards the further development of the coal mine and the construction of a new coal preparation plant at Viaduct Mine, Glenbuck, near Muirkirk, Ayrshire,
- an investment grant of up to 75 000 pounds sterling to Coleston Mining Limited towards the further development and coalwashing facility at Craigman Mine, near Burnstone Cottage, Dalgig, New Cumnock, Ayrshire,
- an investment grant of up to 750 000 pounds sterling to Ryan Mining Limited towards the development of a drift coal mine at Pentreclwydau, Resolven, West Glamorgan,
- an investment grant of up to 20 000 pounds sterling to Perfect Skills Limited towards an expansion of mining activities at Rithan Colliery, Blanenau Gwent, Gwent,
- an investment grant of up to 12 000 pounds sterling to Venture Coal Limited towards reopening Pentre Colliery, Llanon, Dyfed,
- an investment grant of up to 100 000 pounds sterling to Ammanford Development Company Limited towards the development of a drift coal mine, washery and bagging plant at Glanamau, Dyfed,
- an investment grant of up to 60 000 pounds sterling to Blwch Ton Mining Company Limited towards plant, machinery and equipment to enable the reopening of the Blwch Ton coal mine at Resolven, West Glamorgan,
- an investment grant of up to 80 000 pounds sterling to Thomas Merthyr Limited towards the development of the Nant Melyn coal mine at Seven Sisters, Neath, West Glamorgan.

Aid for investment must be considered with regard to the objectives of Decision No 2064/86/ECSC, in particular those specified in Article 2 (1). The fact that the aid is a one-off payment for production sites which will then be economically competitive, without any further State aid, means that the measures contribute to creating new capacities that are economically viable. They are therefore compatible with the second indent of Article 2 (1) of Decision No 2064/86/ECSC.

The geographical location of these sites, in regions which are economically and socially disadvantaged, with high levels of unemployment, means that the measures contribute to solving the social and regional problems related to developments in the coal industry. They are therefore compatible with the third indent of Article 2 (1) of Decision No 2064/86/ECSC.

The aid measures will not, according to the United Kingdom's notification, exceed more than 50 % of the costs of the investment for each of the coal undertakings concerned nor do they exceed the minimum amounts of capital investment requiring prior notification provided for in High Authority Decision No 22/66 ⁽¹⁾, as amended by Decision No 2237/73/ECSC ⁽²⁾. They therefore comply with the provisions of the first and second indents of Article 5 (1) of Decision No 2064/76/ECSC.

The United Kingdom will ensure that the Regional Selective Assistance Scheme, in so far as it concerns the coal sector, does not lead to any discrimination, within the meaning of Article 4 (b) of the ECSC Treaty, between producers, between purchasers or between consumers.

IV

The aid measures covered by this Decision are therefore compatible with the proper functioning of the common market,

HAS ADOPTED THIS DECISION:

Article 1

The United Kingdom is hereby authorized to grant aid totalling 390 000 pounds sterling to the coal industry for the period 1986 to 1993.

- an investment grant of up to 70 000 pounds sterling to Caledon Coal Limited towards the reopening of a coal mine at Skares, near Cumnock, Ayrshire,

⁽¹⁾ OJ No 219, 29. 11. 1966, p. 3728/66.

⁽²⁾ OJ No L 229, 17. 8. 1973, p. 28.

- an investment grant of up to 30 000 pounds sterling to Signal Fern Limited towards the development of a new coal mine at Cwmhwnt, Rhigos, Mid Glamorgan,
- an investment grant of up to 20 000 pounds sterling to New Parc Fuels Limited towards the development of a coal mine at Bryn Newydd, Port Talbot, West Glamorgan,
- an investment grant of up to 98 000 pounds sterling to Ffyonau Duon Mines Limited towards the development of a drift coal mine at Blaentillery, Blaenavon, Gwent,
- an investment grant of up to 75 000 pounds sterling to Cavendish Coal Company Limited towards the further development of the coal mine and the construction of a new coal preparation plant at Viaduct Mine, Glenbuck, near Muirkirk, Ayrshire,
- an investment grant of up to 75 000 pounds sterling to Coleston Mining Limited towards the further development and coalwashing facility at Craigmawr Mine, near Burnstone Cottage, Dalgig, New Cumnock, Ayrshire,
- an investment grant of up to 750 000 pounds sterling to Ryan Mining Limited towards the development of a drift coal mine at Pentreclwydau, Resolven, West Glamorgan,
- an investment grant of up to 20 000 pounds sterling to Perfect Skills Limited towards an expansion of mining activities at Rithan Colliery, Blanenau Gwent, Gwent,
- an investment grant of up to 12 000 pounds sterling to Venture Coal Limited towards reopening Pentre Colliery, Llanon, Dyfed,
- an investment grant of up to 100 000 pounds sterling

to Ammanford Development Company Limited towards the development of a drift coal mine, washery and bagging plant at Glanamau, Dyfed,

- an investment grant of up to 60 000 pounds sterling to Blwch Ton Mining Company Limited towards plant, machinery and equipment to enable the reopening of the Blwch Ton coal mine at Resolven, West Glamorgan.
- an investment grant of up to 80 000 pounds sterling to Thomas Merthyr Limited towards the development of the Nant Melyn coal mine at Seven Sisters, Neath, West Glamorgan.

Article 2

The United Kingdom shall inform the Commission annually of the payments made to the beneficiaries authorized pursuant to Article 1 of this Decision.

The United Kingdom shall also inform the Commission annually of the amount of investment expenditure assigned to each of the projects under consideration for aid, in conformity with Article 5 (3) of Decision No 2064/86/ECSC.

Article 3

This Decision is addressed to the United Kingdom.

Done at Brussels, 13 December 1994.

For the Commission

Marcelino OREJA

Member of the Commission

COMMISSION DECISION

of 14 December 1994

on the approval of the Single Programming Document for Community structural assistance in the areas of the western part of Berlin concerned by Objective 2 in Germany

(Only the German text is authentic)

(94/1043/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the German Government has submitted to the Commission on 22 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the areas of the western part of Berlin; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 5.

⁽⁵⁾ OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas certain measures planned under this Single Programming Document include the part-financing of aid schemes which have not yet been approved by the Commission; whereas the financial commitments should be reduced by the amounts corresponding to the said measures until the aid schemes are approved by the Commission;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88,

and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the areas of the western part of Berlin concerned by Objective 2 in Germany, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in Germany;

the main priorities are:

1. reclamation of industrial sites and creation of industrial centres;
2. promotion of the productive sector;
3. improvement of the environment;
4. promotion of the technological potential;
5. promotion of supra-regional services and of small and medium-sized enterprises;

- (b) the assistance from the Structural Funds as referred to in Article 4;

- (c) the detailed provisions for implementing the Single Programming Document comprising:

— the procedures for monitoring and evaluation,

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality and an initial evaluation of the latter;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

<i>ECU million (1994 prices)</i>	
1994	50,290
1995	52,566
1996	55,472
Total	158,328

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 158,328 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 204,0 million for the public sector and ECU 22,2 million for the private sector, may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: ECU 102,112 million,
- ESF: ECU 56,216 million.

2. The budgetary commitments for the first instalment are as follows:

- ERDF: ECU 22,687 million,
- ESF: ECU 17,820 million.

In accordance with the rules laid down in Article 7, these commitments do not include the amounts relating to the aid schemes not yet approved by the Commission. The corresponding commitments will be made after the approval of the aid schemes concerned.

Commitments of subsequent instalments will be based on the financing plan for the Single Programming Document and on progress in its implementation.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

This Decision is without prejudice to the Commission's position on the aid schemes in the measures listed for that purpose in the Single Programming Document. In accordance with Articles 92 and 93 of the Treaty, the aid schemes must be approved by the Commission and hence the financial commitments shall be reduced by the amounts corresponding to the said measures until the aid schemes are approved by the Commission.

Article 8

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 9

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52 and 59 of the EC Treaty and the

Community Directives on the coordination of procedures
for the award of contracts.

Done at Brussels, 14 December 1994.

Article 10

This Decision is addressed to the Federal Republic of
Germany.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 14 December 1994

on the approval of the Single Programming Document for Community structural assistance in the areas of the Land Bremen concerned by Objective 2 in Germany

(Only the German text is authentic)

(94/1044/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the German Government has submitted to the Commission on 22 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the areas of the Land Bremen concerned by Objective 2; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 5.

⁽⁵⁾ OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas the Single Programming Document satisfies the conditions and includes the information required by Article 14 of Regulation (EEC) No 4253/88;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88, and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the areas of the Land Bremen concerned by Objective 2 in Germany, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in Germany;

the main priorities are:

1. diversification and modernization of the industrial sector;
2. strengthening of the service sector;
3. improvement of the environment/reclamation of industrial sites;
4. coherence fund ERDF/ESF;
5. accompanying labour market measures;

- (b) the assistance from the Structural Funds as referred to in Article 4;

- (c) the detailed provisions for implementing the Single Programming Document comprising:

- the procedures for monitoring and evaluation,
- the financial implementation provisions,
- the rules for compliance with Community policies;

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- (d) the procedures for verifying additionality and an initial evaluation of the latter;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

ECU million (1994 prices)	
1994	14,936
1995	15,537
1996	16,437
Total	46,910

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 46,910 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 49,0 million for the public sector and ECU 80,3 million for the private sector, may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: ECU 30,490 million,
- ESF: ECU 16,420 million.

2. The budgetary commitments for the first instalment are as follows:

- ERDF: ECU 9,708 million,
- ESF: ECU 5,228 million.

Commitments of subsequent instalments will be based on the financing plan for the Single Programming Document and on progress in its implementation.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

This Decision is without prejudice to the Commission's position on the aid schemes in the measures listed for that purpose in the Single Programming Document. In accordance with Articles 92 and 93 of the Treaty, the aid schemes must be approved by the Commission.

Article 8

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 9

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52 and 59 of the EC Treaty and the Community Directives on the coordination of procedures for the award of contracts.

Article 10

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 14 December 1994.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 14 December 1994

on the approval of the Single Programming Document for Community structural assistance in the areas of the Land Nordrhein-Westfalen concerned by Objective 2 in Germany

(Only the German text is authentic)

(94/1045/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the German Government has submitted to the Commission on 22 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the areas of the Land Nordrhein-Westfalen concerned by Objective 2; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 5.

⁽⁵⁾ OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas certain measures planned under this Single Programming Document include the part-financing of aid schemes which have not yet been approved by the Commission; whereas the financial commitments should be reduced by the amounts corresponding to the said measures until the aid schemes are approved by the Commission;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88,

and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the areas of the Land Nordrhein-Westfalen concerned by Objective 2 in Germany, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in Germany;

the main priorities are:

1. diversification of the industrial structure;
2. infrastructure of small and medium-sized enterprises;
3. reclamation of industrial sites; improvement of the environment;
3. support of human resources;

- (b) the assistance from the Structural Funds as referred to in Article 4;

- (c) the detailed provisions for implementing the Single Programming Document comprising:

— the procedures for monitoring and evaluation,

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality and an initial evaluation of the latter;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

ECU million (1994 prices)	
1994	115,060
1995	119,686
1996	126,624
Total	361,370

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 361,37 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 430,2 million for the public sector and ECU 507,1 million for the private sector, may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: ECU 263,80 million,
- ESF: ECU 97,57 million.

2. The budgetary commitments for the first instalment are as follows:

- ERDF: ECU 80,735 million,
- ESF: ECU 31,006 million.

In accordance with the rules laid down in Article 7, these commitments do not include the amounts relating to the aid schemes not yet approved by the Commission. The corresponding commitments will be made after the approval of the aid schemes concerned.

Commitments of subsequent instalments will be based on the financing plan for the Single Programming Document and on progress in its implementation.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

This Decision is without prejudice to the Commission's position on the aid schemes in the measures listed for that purpose in the Single Programming Document. In accordance with Articles 92 and 93 of the Treaty, the aid schemes must be approved by the Commission and hence the financial commitments shall be reduced by the amounts corresponding to the said measures until the aid schemes are approved by the Commission.

Article 8

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 9

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52 and 59 of the EC Treaty and the

Community Directives on the coordination of procedures
for the award of contracts.

Done at Brussels, 14 December 1994.

Article 10

This Decision is addressed to the Federal Republic of
Germany.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 14 December 1994

on the approval of the Single Programming Document for Community structural assistance in the areas of the Land Saarland concerned by Objective 2 in Germany

(Only the German text is authentic)

(94/1046/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽¹⁾, as amended by Regulation (EEC) No 2082/93 ⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽³⁾, as amended by Regulation (EEC) No 2081/93 ⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC ⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the German Government has submitted to the Commission on 22 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the areas of the Land Saarland concerned by Objective 2; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 5.

⁽⁵⁾ OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas certain measures planned under this Single Programming Document include the part-financing of aid schemes which have not yet been approved by the Commission; whereas the financial commitments should be reduced by the amounts corresponding to the said measures until the aid schemes are approved by the Commission;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88,

and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the areas of the Land Saarland concerned by Objective 2 in Germany, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in Germany;

the main priorities are:

1. research and technology environment;
2. ecology, energy and economy;
3. science and technology transfer;
4. support of human resources;
5. interregional cooperation, evaluations;

- (b) the assistance from the Structural Funds as referred to in Article 4;

- (c) the detailed provisions for implementing the Single Programming Document comprising:

— the procedures for monitoring and evaluation,

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality and an initial evaluation of the latter;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

<i>ECU million (1994 prices)</i>	
1994	15,617
1995	16,305
1996	17,189
Total	49,111

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 49,111 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 52,5 million for the public sector and ECU 110,5 million for the private sector, may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: ECU 34,378 million,
- ESF: ECU 14,733 million.

2. The budgetary commitments for the first instalment are as follows:

- ERDF: ECU 10,162 million,
- ESF: ECU 4,158 million.

In accordance with the rules laid down in Article 7, these commitments do not include the amounts relating to the aid schemes not yet approved by the Commission. The corresponding commitments will be made after the approval of the aid schemes concerned.

Commitments of subsequent instalments will be based on the financing plan for the Single Programming Document and on progress in its implementation.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

This Decision is without prejudice to the Commission's position on the aid schemes in the measures listed for that purpose in the Single Programming Document. In accordance with Articles 92 and 93 of the Treaty, the aid schemes must be approved by the Commission and hence the financial commitments shall be reduced by the amounts corresponding to the said measures until the aid schemes are approved by the Commission.

Article 8

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 9

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52 and 59 of the EC Treaty and the

Community Directives on the coordination of procedures
for the award of contracts.

Done at Brussels, 14 December 1994.

Article 10

This Decision is addressed to the Federal Republic of
Germany.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 14 December 1994

on the approval of the Single Programming Document for Community structural assistance in the region of Champagne-Ardenne concerned by Objective 2 in France

(Only the French text is authentic)

(94/1047/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the French Government has submitted to the Commission on 28 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the region of Champagne-Ardenne; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 5.

⁽⁵⁾ OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas the Single Programming Document satisfies the conditions and includes the information required by Article 14 of Regulation (EEC) No 4253/88;

Whereas Article 9 (3) of Regulation (EEC) No 4253/88 lays down that Member States shall provide the relevant financial information to the Commission to permit verification of the respect of the principle of additionality; whereas the analysis, in the framework of partnership, of the information provided for by the

French authorities has not yet allowed this verification; whereas, payments should therefore be suspended after the first advance provided for in Article 21 (2) of the said Regulation until the Commission will have verified the respect of the additionality;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88, and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the region of Champagne-Ardenne concerned by Objective 2 in France, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in France;

the main priorities are:

1. development of enterprises;
2. research and technology transfer;
3. rural development;
4. improving the attractiveness of the region;

- (b) the assistance from the Structural Funds as referred to in Article 4;

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

(c) the detailed provisions for implementing the Single Programming Document comprising:

- the procedures for monitoring and evaluation,
- the financial implementation provisions,
- the rules for compliance with Community policies;

(d) the procedures for verifying additionality;

(e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;

(f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

ECU million (1994 prices)	
1994	24,635
1995	25,688
1996	27,177
Total	77,500

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 77,5 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 94 million for the public sector and ECU 40 million for the private sector, may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: ECU 62,062 million,
- ESF: ECU 15,438 million.

2. The budgetary commitments for the first instalment are as follows:

- ERDF: ECU 19,727 million,
- ESF: ECU 4,908 million.

Commitments of subsequent instalments will be based on the financing plan for the Single Programming Document and on progress in its implementation.

3. The financial contribution will be suspended after the payment of the first advance provided for in Article 21 (2) of Regulation (EEC) No 4253/88 until such time as the Commission has verified the respect of the principle of additionality on the basis of the relevant information supplied by the Member State.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 8

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52, 59, 92 and 93 of the EC Treaty and the Community Directives on the coordination of procedures for the award of contracts.

Article 9

This Decision is addressed to the French Republic.

Done at Brussels, 14 December 1994.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 14 December 1994

on the approval of the Single Programming Document for Community structural assistance in the region of Alsace concerned by Objective 2 in France

(Only the French text is authentic)

(94/1048/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Having regard to the Treaty establishing the European Community,

Whereas the Commission has established, by Decision 94/169/EC ⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽¹⁾, as amended by Regulation (EEC) No 2082/93 ⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

Whereas the French Government has submitted to the Commission on 28 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the region of Alsace; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽³⁾, as amended by Regulation (EEC) No 2081/93 ⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 5.

⁽⁵⁾ OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas the Single Programming Document satisfies the conditions and includes the information required by Article 14 of Regulation (EEC) No 4253/88;

Whereas Article 9 (3) of Regulation (EEC) No 4253/88 lays down that Member States shall provide the relevant financial information to the Commission to permit verification of the respect of the principle of additionality; whereas the analysis, in the framework of partnership, of the information provided for by the

French authorities has not yet allowed this verification; whereas, payments should therefore be suspended after the first advance provided for in Article 21 (2) of the said Regulation until the Commission will have verified the respect of the additionality;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88, and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas Article 20 (3) of Regulation (EEC) No 4253/88 provides, subject to available funding, for a single commitment where the Community assistance granted is less than ECU 40 million for the whole programming period;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the region of Alsace concerned by Objective 2 in France, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in France;
 - the main priorities are:
 - 1. industrial redeployment and diversification of economic activities;
 - 2. urban and environmental upgrading;

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- (b) the assistance from the Structural Funds as referred to in Article 4;
- (c) the detailed provisions for implementing the Single Programming Document comprising:
 - the procedures for monitoring and evaluation,
 - the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

ECU million (1994 prices)	
1994	6,228
1995	6,492
1996	6,880
Total	19,600

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 19,6 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 26,43 million for the public sector may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: ECU 16,062 million,
- ESF: ECU 3,538 million.

2. The budgetary commitments at the moment of approval of the Single Programming Document refer to the total Community assistance.

3. The financial contribution will be suspended after the payment of the first advance provided for in Article 21 (2) of Regulation (EEC) No 4253/88 until such time as the Commission has verified the respect of the principle of additionality on the basis of the relevant information supplied by the Member State.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 8

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52, 59, 92 and 93 of the EC Treaty and the Community Directives on the coordination of procedures for the award of contracts.

Article 9

This Decision is addressed to the French Republic.

Done at Brussels, 14 December 1994.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 14 December 1994

on the approval of the Single Programming Document for Community structural assistance in the region of Franche-Comté concerned by Objective 2 in France

(Only the French text is authentic)

(94/1049/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽¹⁾, as amended by Regulation (EEC) No 2082/93 ⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽³⁾, as amended by Regulation (EEC) No 2081/93 ⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC ⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the French Government has submitted to the Commission on 28 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the region of Franche-Comté; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 5.

⁽⁵⁾ OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas the Single Programming Document satisfies the conditions and includes the information required by Article 14 of Regulation (EEC) No 4253/88;

Whereas Article 9 (3) of Regulation (EEC) No 4253/88 lays down that Member States shall provide the relevant financial information to the Commission to permit verification of the respect of the principle of additionality; whereas the analysis, in the framework of partnership, of the information provided for by the

French authorities has not yet allowed this verification; whereas, payments should therefore be suspended after the first advance provided for in Article 21 (2) of the said Regulation until the Commission will have verified the respect of the additionality;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88, and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the region of Franche-Comté concerned by Objective 2 in France, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in France;

the main priorities are:

1. development and diversification of productive activities;
2. developing human resources;
3. developing, structuring and improving the area;

- (b) the assistance from the Structural Funds as referred to in Article 4;

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- (c) the detailed provisions for implementing the Single Programming Document comprising:
- the procedures for monitoring and evaluation,
 - the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

ECU million (1994 prices)	
1994	15,192
1995	15,842
1996	16,766
Total	47,800

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 47,8 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 63,89 million for the public sector may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: ECU 41,184 million,
- ESF: ECU 6,616 million.

2. The budgetary commitments for the first instalment are as follows:

- ERDF: ECU 13,089 million,
- ESF: ECU 2,103 million.

Commitments of subsequent instalments will be based on the financing plan for the Single Programming Document and on progress in its implementation.

3. The financial contribution will be suspended after the payment of the first advance provided for in Article 21 (2) of Regulation (EEC) No 4253/88 until such time as the Commission has verified the respect of the principle of additionality on the basis of the relevant information supplied by the Member State.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 8

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52, 59, 92 and 93 of the EC Treaty and the Community Directives on the coordination of procedures for the award of contracts.

Article 9

This Decision is addressed to the French Republic.

Done at Brussels, 14 December 1994.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 16 December 1994

on the approval of the Single Programming Document for Community structural assistance in the areas of the Land Niedersachsen concerned by Objective 2 in Germany

(Only the German text is authentic)

(94/1050/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽¹⁾, as amended by Regulation (EEC) No 2082/93 ⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽³⁾, as amended by Regulation (EEC) No 2081/93 ⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC ⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the German Government has submitted to the Commission on 22 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the areas of the Land Niedersachsen concerned by Objective 2; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 5.

⁽⁵⁾ OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas certain measures planned under this Single Programming Document include the part-financing of aid schemes which have not yet been approved by the Commission; whereas the financial commitments should be reduced by the amounts corresponding to the said measures until the aid schemes are approved by the Commission;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88,

and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2731/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the areas of the Land Niedersachsen concerned by Objective 2 in Germany, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in Germany;

the main priorities are:

 1. productive investments;
 2. investments in infrastructure;
 3. research and development;
 4. environmental investments;
 5. support of increase in appropriate training systems;
 6. continuing scientific education;
- (b) the assistance from the Structural Fund as referred to in Article 4;
- (c) the detailed provisions for implementing the Single Programming Document comprising:
 - the procedures for monitoring and evaluation,

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality and an initial evaluation of the latter;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

ECU million (1994 prices)	
1994	13,520
1995	14,115
1996	14,880
Total	42,515

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 42,515 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 47,0 million for the public sector and ECU 36,9 million for the private sector, may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: ECU 29,845 million,
- ESF: ECU 12,670 million.

2. The budgetary commitments for the first instalment are as follows:

- ERDF: ECU 3,001 million,
- ESF: ECU 4,029 million.

In accordance with the rules laid down in Article 7, these commitments do not include the amounts relating to the aid schemes not yet approved by the Commission. The corresponding commitments will be made after the approval of the aid schemes concerned.

Commitments of subsequent instalments will be based on the financing plan for the Single Programming Document and on progress in its implementation.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

This Decision is without prejudice to the Commission's position on the aid schemes in the measures listed for that purpose in the Single Programming Document. In accordance with Articles 92 and 93 of the Treaty, the aid schemes must be approved by the Commission and hence the financial commitments shall be reduced by the amounts corresponding to the said measures until the aid schemes are approved by the Commission.

Article 8

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 9

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52 and 59 of the EC Treaty and the

Community Directives on the coordination of procedures
for the award of contracts.

Done at Brussels, 16 December 1994.

Article 10

This Decision is addressed to the Federal Republic of
Germany.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 16 December 1994

on the approval of the Single Programming Document for Community structural assistance in the areas of the Land Rheinland-Pfalz concerned by Objective 2 in Germany

(Only the German text is authentic)

(94/1051/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the German Government has submitted to the Commission on 22 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the areas of the Land Rheinland-Pfalz concerned by Objective 2; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

(¹) OJ No L 374, 31. 12. 1988, p. 1.

(²) OJ No L 193, 31. 7. 1993, p. 20.

(³) OJ No L 185, 15. 7. 1988, p. 9.

(⁴) OJ No L 193, 31. 7. 1993, p. 5.

(⁵) OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas the Single Programming Document satisfies the conditions and includes the information required by Article 14 of Regulation (EEC) No 4253/88;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88, and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas Article 20 (3) of Regulation (EEC) No 4253/88 provides, subject to available funding, for a single commitment where the Community assistance granted is less than ECU 40 million for the whole programming period;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the areas of the Land Rheinland-Pfalz concerned by Objective 2 in Germany, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in Germany;

the main priorities are:

1. improvement of the economic structure;
2. qualification;

- (b) the assistance from the Structural Funds as referred to in Article 4;

- (c) the detailed provisions for implementing the Single Programming Document comprising:

- the procedures for monitoring and evaluation,

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality and an initial evaluation of the latter;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

ECU million (1994 prices)	
1994	7,468
1995	7,768
1996	8,219
Total	23,456

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 23,456 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 25,1 million for the public sector and ECU 0,5 million for the private sector, may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: ECU 15,246 million,
- ESF: ECU 8,210 million.

2. The budgetary commitments at the moment of approval of the Single Programming Document refer to the total Community assistance.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

This Decision is without prejudice to the Commission's position on the aid schemes in the measures listed for that purpose in the Single Programming Document. In accordance with Articles 92 and 93 of the Treaty, the aid schemes must be approved by the Commission.

Article 8

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 9

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52 and 59 of the EC Treaty and the Community Directives on the coordination of procedures for the award of contracts.

Article 10

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 16 December 1994.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 16 December 1994

on the approval of the Single Programming Document for Community structural assistance in the areas of the Land Schleswig-Holstein concerned by Objective 2 in Germany

(Only the German text is authentic)

(94/1052/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the German Government has submitted to the Commission on 22 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the areas of the Land Schleswig-Holstein concerned by Objective 2; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 5.

⁽⁵⁾ OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas the Single Programming Document satisfies the conditions and includes the information required by Article 14 of Regulation (EEC) No 4253/88;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88, and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas Article 20 (3) of Regulation (EEC) No 4253/88 provides, subject to available funding, for a single commitment where the Community assistance granted is less than ECU 40 million for the whole programming period;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the areas of the Land Schleswig-Holstein concerned by Objective 2 in Germany, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in Germany;

the main priorities are:

1. investments in infrastructures to reclaim industrial sites and facilities for employment and qualification schemes;
2. promotion of growth and stability in employment and strengthening of labour potential in research, science and technology;

- (b) the assistance from the Structural Funds as referred to in Article 4;

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

(c) the detailed provisions for implementing the Single Programming Document comprising:

- the procedures for monitoring and evaluation,
- the financial implementation provisions,
- the rules for compliance with Community policies;

(d) the procedures for verifying additionality and an initial evaluation of the latter;

(e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;

(f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

ECU million (1994 prices)	
1994	4,895
1995	5,110
1996	5,388
Total	15,393

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 15,393 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 16,5 million for the public sector and ECU 0,1 million for the private sector, may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: ECU 10,000 million,
- ESF: ECU 5,393 million.

2. The budgetary commitments at the moment of approval of the Single Programming Document refer to the total Community assistance.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 8

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52 and 59 of the EC Treaty and the Community Directives on the coordination of procedures for the award of contracts.

Article 9

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 16 December 1994.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 16 December 1994

on the approval of the Single Programming Document for Community structural assistance in the areas of the Land Hessen concerned by Objective 2 in Germany

(Only the German text is authentic)

(94/1053/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the German Government has submitted to the Commission on 22 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the areas of the Land Hessen concerned by Objective 2; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

(1) OJ No L 374, 31. 12. 1988, p. 1.

(2) OJ No L 193, 31. 7. 1993, p. 20.

(3) OJ No L 185, 15. 7. 1988, p. 9.

(4) OJ No L 193, 31. 7. 1993, p. 5.

(5) OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas certain measures planned under this Single Programming Document include the part-financing of aid schemes which have not yet been approved by the Commission; whereas the financial commitments should be reduced by the amounts corresponding to the said measures until the aid schemes are approved by the Commission;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88,

and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas Article 20 (3) of Regulation (EEC) No 4253/88 provides, subject to available funding, for a single commitment where the Community assistance granted is less than ECU 40 million for the whole programming period;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the areas of the Land Hessen concerned by Objective 2 in Germany, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in Germany;

the main priorities are:

1. modernization and diversification of economic infrastructure;
2. improving skill levels;

- (b) the assistance from the Structural Funds as referred to in Article 4;

- (c) the detailed provisions for implementing the Single Programming Document comprising:

— the procedures for monitoring and evaluation,

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality and an initial evaluation of the latter;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

<i>ECU million (1994 prices)</i>	
1994	6,760
1995	7,057
1996	7,440
Total	21,257

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 21,257 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 22,1 million for the public sector and ECU 18,0 million for the private sector, may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: ECU 18,277 million,
- ESF: ECU 2,980 million.

2. The budgetary commitments at the moment of approval of the Single Programming Document refer to the total Community assistance.

The amounts are as follows:

- ERDF: ECU 17,677 million,
- ESF: ECU 2,980 million.

In accordance with the rules laid down in Article 7, these commitments do not include the amounts relating to the aid schemes not yet approved by the Commission. The corresponding commitments will be made after the approval of the aid schemes concerned.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

This Decision is without prejudice to the Commission's position on the aid schemes in the measures listed for that purpose in the Single Programming Document. In accordance with Articles 92 and 93 of the Treaty, the aid schemes must be approved by the Commission and hence the financial commitments shall be reduced by the amounts corresponding to the said measures until the aid schemes are approved by the Commission.

Article 8

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 9

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52 and 59 of the EC Treaty and the

Community Directives on the coordination of procedures
for the award of contracts.

Done at Brussels, 16 December 1994.

Article 10

This Decision is addressed to the Federal Republic of
Germany.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 16 December 1994

on the approval of the Single Programming Document for Community structural assistance in the areas of the Land Bayern concerned by Objective 2 in Germany

(Only the German text is authentic)

(94/1054/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the German Government has submitted to the Commission on 22 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the areas of the Land Bayern concerned by Objective 2; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 5.

⁽⁵⁾ OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas certain measures planned under this Single Programming Document include the part-financing of aid schemes which have not yet been approved by the Commission; whereas the financial commitments should be reduced by the amounts corresponding to the said measures until the aid schemes are approved by the Commission;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88,

and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas Article 20 (3) of Regulation (EEC) No 4253/88 provides, subject to available funding, for a single commitment where the Community assistance granted is less than ECU 40 million for the whole programming period;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the areas of the Land Bayern concerned by Objective 2 in Germany, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in Germany;

the main priorities are:

1. industrial-related infrastructures;
2. development of indigenous potential;
3. infrastructure in environmental protection;
4. vocational training;
5. orientation and advice;
6. support of employment and start-ups;

- (b) the assistance from the Structural Funds as referred to in Article 4;

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- (c) the detailed provisions for implementing the Single Programming Document comprising:
- the procedures for monitoring and evaluation,
 - the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality and an initial evaluation of the latter;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

ECU million (1994 prices)	
1994	4,662
1995	4,867
1996	5,131
Total	14,660

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 14,660 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 18,1 million for the public sector and ECU 0,8 million for the private sector, may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: ECU 9,503 million,
- ESF: ECU 5,130 million.

2. The budgetary commitments at the moment of approval of the Single Programming Document refer to the total Community assistance.

The amounts are as follows:

- ERDF: ECU 8,505 million,
- ESF: ECU 5,130 million.

In accordance with the rules laid down in Article 7, these commitments do not include the amounts relating to the aid schemes not yet approved by the Commission. The corresponding commitments will be made after the approval of the aid schemes concerned.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

This Decision is without prejudice to the Commission's position on the aid schemes in the measures listed for that purpose in the Single Programming Document. In accordance with Articles 92 and 93 of the Treaty, the aid schemes must be approved by the Commission and hence the financial commitments shall be reduced by the amounts corresponding to the said measures until the aid schemes are approved by the Commission.

Article 8

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 9

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52 and 59 of the EC Treaty and the

Community Directives on the coordination of procedures
for the award of contracts.

Done at Brussels, 16 December 1994.

Article 10

This Decision is addressed to the Federal Republic of
Germany.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 16 December 1994

on the approval of the Single Programming Document for Community structural assistance in the region of Aquitaine concerned by Objective 2 in France

(Only the French text is authentic)

(94/1055/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the French Government has submitted to the Commission on 28 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the region of Aquitaine; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

(1) OJ No L 374, 31. 12. 1988, p. 1.

(2) OJ No L 193, 31. 7. 1993, p. 20.

(3) OJ No L 185, 15. 7. 1988, p. 9.

(4) OJ No L 193, 31. 7. 1993, p. 5.

(5) OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas the Single Programming Document satisfies the conditions and includes the information required by Article 14 of Regulation (EEC) No 4253/88;

Whereas Article 9 (3) of Regulation (EEC) No 4253/88 lays down that Member States shall provide the relevant financial information to the Commission to permit verification of the respect of the principle of additionality; whereas the analysis, in the framework of partnership, of the information provided for by the

French authorities has not yet allowed this verification; whereas, payments should therefore be suspended after the first advance provided for in Article 21 (2) of the said Regulation until the Commission will have verified the respect of the additionality;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88, and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the region of Aquitaine concerned by Objective 2 in France, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in France;

the main priorities are:

1. adapting the economic potential;
2. diversification of activities;
3. enhancing the attractiveness;

- (b) the assistance from the Structural Funds as referred to in Article 4;

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- (c) the detailed provisions for implementing the Single Programming Document comprising:
- the procedures for monitoring and evaluation,
 - the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

ECU million (1994 prices)	
1994	34,042
1995	35,498
1996	37,560
Total	107,100

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 107,1 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 140 million for the public sector and ECU 133 million for the private sector, may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: ECU 91,475 million,
- ESF: ECU 15,625 million.

2. The budgetary commitments for the first instalment are as follows:

- ERDF: ECU 29,076 million,
- ESF: ECU 4,966 million.

Commitments of subsequent instalments will be based on the financing plan for the Single Programming Document and on progress in its implementation.

3. The financial contribution will be suspended after the payment of the first advance provided for in Article 21 (2) of Regulation (EEC) No 4253/88 until such time as the Commission has verified the respect of the principle of additionality on the basis of the relevant information supplied by the Member State.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 8

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52, 59, 92 and 93 of the EC Treaty and the Community Directives on the coordination of procedures for the award of contracts.

Article 9

This Decision is addressed to the French Republic.

Done at Brussels, 16 December 1994.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 16 December 1994

on the approval of the Single Programming Document for Community structural assistance in the region of Basse-Normandie concerned by Objective 2 in France

(Only the French text is authentic)

(94/1056/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the French Government has submitted to the Commission on 28 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the region of Basse-Normandie; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 5.

⁽⁵⁾ OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas the Single Programming Document satisfies the conditions and includes the information required by Article 14 of Regulation (EEC) No 4253/88;

Whereas Article 9 (3) of Regulation (EEC) No 4253/88 lays down that Member States shall provide the relevant financial information to the Commission to permit verification of the respect of the principle of additionality; whereas the analysis, in the framework of partnership, of the information provided for by the

French authorities has not yet allowed this verification; whereas, payments should therefore be suspended after the first advance provided for in Article 21 (2) of the said Regulation until the Commission will have verified the respect of the additionality;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88, and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the region of Basse-Normandie concerned by Objective 2 in France, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in France;

the main priorities are:

1. regional support to firms and training of the employed;
2. reindustrialization in the area of Caen;
3. continuation of the reconversion of the Cherbourg employment area;

- (b) the assistance from the Structural Funds as referred to in Article 4;

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- (c) the detailed provisions for implementing the Single Programming Document comprising:
 - the procedures for monitoring and evaluation,
 - the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

ECU million (1994 prices)	
1994	18,371
1995	19,157
1996	20,272
Total	57,800

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 57,8 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 112 million for the public sector may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

- 1. The breakdown among the Structural Funds of the total Community assistance available is as follows:
 - ERDF: ECU 46,550 million,
 - ESF: ECU 11,250 million.

2. The budgetary commitments for the first instalment are as follows:

- ERDF: ECU 14,795 million,
- ESF: ECU 3,576 million.

Commitments of subsequent instalments will be based on the financing plan for the Single Programming Document and on progress in its implementation.

3. The financial contribution will be suspended after the payment of the first advance provided for in Article 21 (2) of Regulation (EEC) No 4253/88 until such time as the Commission has verified the respect of the principle of additionality on the basis of the relevant information supplied by the Member State.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 8

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52, 59, 92 and 93 of the EC Treaty and the Community Directives on the coordination of procedures for the award of contracts.

Article 9

This Decision is addressed to the French Republic.

Done at Brussels, 16 December 1994.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 16 December 1994

on the approval of the Single Programming Document for Community structural assistance in the region of Bretagne concerned by Objective 2 in France

(Only the French text is authentic)

(94/1057/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the French Government has submitted to the Commission on 28 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the region of Bretagne; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 5.

⁽⁵⁾ OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas the Single Programming Document satisfies the conditions and includes the information required by Article 14 of Regulation (EEC) No 4253/88;

Whereas Article 9 (3) of Regulation (EEC) No 4253/88 lays down that Member States shall provide the relevant financial information to the Commission to permit verification of the respect of the principle of additionality; whereas the analysis, in the framework of partnership, of the information provided for by the

French authorities has not yet allowed this verification; whereas, payments should therefore be suspended after the first advance provided for in Article 21 (2) of the said Regulation until the Commission will have verified the respect of the additionality;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88, and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the region of Bretagne concerned by Objective 2 in France, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in France;

the main priorities are:

1. mobilize business to create jobs;
2. development of R&D and training potential;
3. modernization of port areas;
4. improve tourist facilities;
5. improve the attractiveness of the area;

- (b) the assistance from the Structural Funds as referred to in Article 4;

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- (c) the detailed provisions for implementing the Single Programming Document comprising:
- the procedures for monitoring and evaluation,
 - the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

<i>ECU million (1994 prices)</i>	
1994	28,52
1995	29,72
1996	31,46
Total	89,70

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 89,7 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 110 million for the public sector and ECU 63 million for the private sector, may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: ECU 77,56 million,
- ESF: ECU 12,14 million.

2. The budgetary commitments for the first instalment are as follows:

- ERDF: ECU 24,66 million,
- ESF: ECU 3,86 million.

Commitments of subsequent instalments will be based on the financing plan for the Single Programming Document and on progress in its implementation.

3. The financial contribution will be suspended after the payment of the first advance provided for in Article 21 (2) of Regulation (EEC) No 4253/88 until such time as the Commission has verified the respect of the principle of additionality on the basis of the relevant information supplied by the Member State.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 8

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52, 59, 92 and 93 of the EC Treaty and the Community Directives on the coordination of procedures for the award of contracts.

Article 9

This Decision is addressed to the French Republic.

Done at Brussels, 16 December 1994.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 16 December 1994

on the approval of the Single Programming Document for Community structural assistance in the region of Pays de la Loire concerned by Objective 2 in France

(Only the French text is authentic)

(94/1058/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the French Government has submitted to the Commission on 28 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the region of Pays de la Loire; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

(¹) OJ No L 374, 31. 12. 1988, p. 1.

(²) OJ No L 193, 31. 7. 1993, p. 20.

(³) OJ No L 185, 15. 7. 1988, p. 9.

(⁴) OJ No L 193, 31. 7. 1993, p. 5.

(⁵) OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas the Single Programming Document satisfies the conditions and includes the information required by Article 14 of Regulation (EEC) No 4253/88;

Whereas Article 9 (3) of Regulation (EEC) No 4253/88 lays down that Member States shall provide the relevant financial information to the Commission to permit verification of the respect of the principle of additionality; whereas the analysis, in the framework of partnership, of the information provided for by the

French authorities has not yet allowed this verification; whereas, payments should therefore be suspended after the first advance provided for in Article 21 (2) of the said Regulation until the Commission will have verified the respect of the additionality;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88, and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the region of Pays de la Loire concerned by Objective 2 in France, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in France;

the main priorities are:

1. support enterprise and employment;
2. improve the attractiveness of the region for new enterprise;
3. improve the technical environment within existing enterprises;
4. strengthen and diversify the industrial base;

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- (b) the assistance from the Structural Funds as referred to in Article 4;
- (c) the detailed provisions for implementing the Single Programming Document comprising:
 - the procedures for monitoring and evaluation,
 - the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

<i>ECU million (1994 prices)</i>	
1994	43,195
1995	45,043
1996	47,662
Total	135,900

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 135,9 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 186 million for the public sector may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: ECU 109,6 million,
- ESF: ECU 26,3 million.

2. The budgetary commitments for the first instalment are as follows:

- ERDF: ECU 34,836 million,
- ESF: ECU 8,359 million.

Commitments of subsequent instalments will be based on the financing plan for the Single Programming Document and on progress in its implementation.

3. The financial contribution will be suspended after the payment of the first advance provided for in Article 21 (2) of Regulation (EEC) No 4253/88 until such time as the Commission has verified the respect of the principle of additionality on the basis of the relevant information supplied by the Member State.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 8

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52, 59, 92 and 93 of the EC Treaty and the Community Directives on the coordination of procedures for the award of contracts.

Article 9

This Decision is addressed to the French Republic.

Done at Brussels, 16 December 1994.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 16 December 1994

on the approval of the Single Programming Document for Community structural assistance in the region of Poitou-Charentes concerned by Objective 2 in France

(Only the French text is authentic)

(94/1059/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the French Government has submitted to the Commission on 28 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the region of Poitou-Charentes; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 5.

⁽⁵⁾ OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas the Single Programming Document satisfies the conditions and includes the information required by Article 14 of Regulation (EEC) No 4253/88;

Whereas Article 9 (3) of Regulation (EEC) No 4253/88 lays down that Member States shall provide the relevant financial information to the Commission to permit verification of the respect of the principle of additionality; whereas the analysis, in the framework of partnership, of the information provided for by the

French authorities has not yet allowed this verification; whereas, payments should therefore be suspended after the first advance provided for in Article 21 (2) of the said Regulation until the Commission will have verified the respect of the additionality;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88, and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the region of Poitou-Charentes concerned by Objective 2 in France, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in France;

the main priorities are:

1. support and expand reconversion activities;
2. build on the strengths of the employment base;
3. strengthen development actions;
4. expand technology transfer, research, training;

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- (b) the assistance from the Structural Funds as referred to in Article 4;
- (c) the detailed provisions for implementing the Single Programming Document comprising:
 - the procedures for monitoring and evaluation;
 - the financial implementation provisions;
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation; implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation; the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

<i>ECU million (1994 prices)</i>	
1994	16,942
1995	17,665
1996	18,693
Total	53,300

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 53,3 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 77 million for the public sector may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: ECU 43,6 million,
- ESF: ECU 9,7 million.

2. The budgetary commitments for the first instalment are as follows:

- ERDF: ECU 13,859 million,
- ESF: ECU 3,083 million.

Commitments of subsequent instalments will be based on the financing plan for the Single Programming Document and on progress in its implementation.

3. The financial contribution will be suspended after the payment of the first advance provided for in Article 21 (2) of Regulation (EEC) No 4253/88 until such time as the Commission has verified the respect of the principle of additionality on the basis of the relevant information supplied by the Member State.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 8

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52, 59, 92 and 93 of the EC Treaty and the Community Directives on the coordination of procedures for the award of contracts.

Article 9

This Decision is addressed to the French Republic.

Done at Brussels, 16 December 1994.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 16 December 1994

on the approval of the Single Programming Document for Community structural assistance in the region of Centre concerned by Objective 2 in France

(Only the French text is authentic)

(94/1060/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the French Government has submitted to the Commission on 28 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the region of Centre; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 5.

⁽⁵⁾ OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas the Single Programming Document satisfies the conditions and includes the information required by Article 14 of Regulation (EEC) No 4253/88;

Whereas Article 9 (3) of Regulation (EEC) No 4253/88 lays down that Member States shall provide the relevant financial information to the Commission to permit verification of the respect of the principle of additionality; whereas the analysis, in the framework of partnership, of the information provided for by the

French authorities has not yet allowed this verification; whereas, payments should therefore be suspended after the first advance provided for in Article 21 (2) of the said Regulation until the Commission will have verified the respect of the additionality;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88, and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas Article 20 (3) of Regulation (EEC) No 4253/88 provides, subject to available funding, for a single commitment where the Community assistance granted is less than ECU 40 million for the whole programming period;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the region of Centre concerned by Objective 2 in France, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in France;

the main priorities are:

1. strengthen the competitiveness of enterprise;
2. develop training and research;
3. support local development;

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- (b) the assistance from the Structural Funds as referred to in Article 4;
- (c) the detailed provisions for implementing the Single Programming Document comprising:
 - the procedures for monitoring and evaluation,
 - the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

ECU million (1994 prices)	
1994	7,692
1995	8,021
1996	8,487
Total	24,200

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 24,2 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 84 million for the public sector may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:
 - ERDF: ECU 20,507 million,
 - ESF: ECU 3,693 million.

2. The budgetary commitments at the moment of approval of the Single Programming Document refer to the total Community assistance.
3. The financial contribution will be suspended after the payment of the first advance provided for in Article 21 (2) of Regulation (EEC) No 4253/88 until such time as the Commission has verified the respect of the principle of additionality on the basis of the relevant information supplied by the Member State.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 8

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52, 59, 92 and 93 of the EC Treaty and the Community Directives on the coordination of procedures for the award of contracts.

Article 9

This Decision is addressed to the French Republic.

Done at Brussels, 16 December 1994.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 16 December 1994

on the approval of the Single Programming Document for Community structural assistance in the region of Languedoc-Roussillon concerned by Objective 2 in France

(Only the French text is authentic)

(94/1061/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the French Government has submitted to the Commission on 28 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the region of Languedoc-Roussillon; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 5.

⁽⁵⁾ OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas the Single Programming Document satisfies the conditions and includes the information required by Article 14 of Regulation (EEC) No 4253/88;

Whereas Article 9 (3) of Regulation (EEC) No 4253/88 lays down that Member States shall provide the relevant financial information to the Commission to permit verification of the respect of the principle of additionality; whereas the analysis, in the framework of partnership, of the information provided for by the

French authorities has not yet allowed this verification; whereas, payments should therefore be suspended after the first advance provided for in Article 21 (2) of the said Regulation until the Commission will have verified the respect of the additionality;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88, and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the region of Languedoc-Roussillon concerned by Objective 2 in France, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in France;

the main priorities are:

1. economic development;
2. attractiveness of the region and business environment;
3. human resources;

- (b) the assistance from the Structural Funds as referred to in Article 4;

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- (c) the detailed provisions for implementing the Single Programming Document comprising:
- the procedures for monitoring and evaluation,
 - the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

<i>ECU million (1994 prices)</i>	
1994	22,408
1995	23,367
1996	24,725
Total	70,500

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 70,5 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 62 million for the public sector and ECU 87 million for the private sector, may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: ECU 59,925 million,
- ESF: ECU 10,575 million.

2. The budgetary commitments for the first instalment are as follows:

- ERDF: ECU 19,047 million,
- ESF: ECU 3,361 million.

Commitments of subsequent instalments will be based on the financing plan for the Single Programming Document and on progress in its implementation.

3. The financial contribution will be suspended after the payment of the first advance provided for in Article 21 (2) of Regulation (EEC) No 4253/88 until such time as the Commission has verified the respect of the principle of additionality on the basis of the relevant information supplied by the Member State.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 8

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52, 59, 92 and 93 of the EC Treaty and the Community Directives on the coordination of procedures for the award of contracts.

Article 9

This Decision is addressed to the French Republic.

Done at Brussels, 16 December 1994.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 16 December 1994

on the approval of the Single Programming Document for Community structural assistance in the region of Midi-Pyrénées concerned by Objective 2 in France

(Only the French text is authentic)

(94/1062/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the French Government has submitted to the Commission on 28 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the region of Midi-Pyrénées; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 5.

⁽⁵⁾ OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas the Single Programming Document satisfies the conditions and includes the information required by Article 14 of Regulation (EEC) No 4253/88;

Whereas Article 9 (3) of Regulation (EEC) No 4253/88 lays down that Member States shall provide the relevant financial information to the Commission to permit verification of the respect of the principle of additionality; whereas the analysis, in the framework of partnership, of the information provided for by the

French authorities has not yet allowed this verification; whereas, payments should therefore be suspended after the first advance provided for in Article 21 (2) of the said Regulation until the Commission will have verified the respect of the additionality;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88, and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the region of Midi-Pyrénées concerned by Objective 2 in France, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in France;

the main priorities are:

1. strengthening of the business fabric;
2. strengthening of technological innovation;
3. rehabilitation of the area;
4. economic diversification;

- (b) the assistance from the Structural Funds as referred to in Article 4;

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- (c) the detailed provisions for implementing the Single Programming Document comprising:
- the procedures for monitoring and evaluation,
 - the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

<i>ECU million (1994 prices)</i>	
1994	13,541
1995	14,120
1996	14,939
Total	42,600

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 42,6 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 66 million for the public sector and ECU 42 million for the private sector, may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: ECU 34,6 million,
- ESF: ECU 8,0 million.

2. The budgetary commitments for the first instalment are as follows:

- ERDF: ECU 10,998 million,
- ESF: ECU 2,543 million.

Commitments of subsequent instalments will be based on the financing plan for the Single Programming Document and on progress in its implementation.

3. The financial contribution will be suspended after the payment of the first advance provided for in Article 21 (2) of Regulation (EEC) No 4253/88 until such time as the Commission has verified the respect of the principle of additionality on the basis of the relevant information supplied by the Member State.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 8

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52, 59, 92 and 93 of the EC Treaty and the Community Directives on the coordination of procedures for the award of contracts.

Article 9

This Decision is addressed to the French Republic.

Done at Brussels, 16 December 1994.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 16 December 1994

on the approval of the Single Programming Document for Community structural assistance in the region of Nord-Pas-de-Calais concerned by Objective 2 in France

(Only the French text is authentic)

(94/1063/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the French Government has submitted to the Commission on 28 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the region of Nord-Pas-de-Calais; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 5.

⁽⁵⁾ OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas the Single Programming Document satisfies the conditions and includes the information required by Article 14 of Regulation (EEC) No 4253/88;

Whereas Article 9 (3) of Regulation (EEC) No 4253/88 lays down that Member States shall provide the relevant financial information to the Commission to permit verification of the respect of the principle of additionality; whereas the analysis, in the framework of partnership, of the information provided for by the

French authorities has not yet allowed this verification; whereas, payments should therefore be suspended after the first advance provided for in Article 21 (2) of the said Regulation until the Commission will have verified the respect of the additionality;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88, and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the region of Nord-Pas-de-Calais concerned by Objective 2 in France, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in France;

the main priorities are:

1. support and development of economic activity;
2. training; research; technology;
3. living conditions, image and environment;

- (b) the assistance from the Structural Funds as referred to in Article 4;

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- (c) the detailed provisions for implementing the Single Programming Document comprising:
- the procedures for monitoring and evaluation,
 - the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

ECU million (1994 prices)	
1994	102,042
1995	102,449
1996	110,609
Total	318,100

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 318,1 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 442 million for the public sector and ECU 163 million for the private sector, may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: ECU 265,500 million,
- ESF: ECU 52,600 million.

2. The budgetary commitments for the first instalment are as follows:

- ERDF: ECU 85,169 million,
- ESF: ECU 16,873 million.

Commitments of subsequent instalments will be based on the financing plan for the Single Programming Document and on progress in its implementation.

3. The financial contribution will be suspended after the payment of the first advance provided for in Article 21 (2) of Regulation (EEC) No 4253/88 until such time as the Commission has verified the respect of the principle of additionality on the basis of the relevant information supplied by the Member State.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 8

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52, 59, 92 and 93 of the EC Treaty and the Community Directives on the coordination of procedures for the award of contracts.

Article 9

This Decision is addressed to the French Republic.

Done at Brussels, 16 December 1994.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 16 December 1994

on the approval of the Single Programming Document for Community structural assistance in the region of Bourgogne concerned by Objective 2 in France

(Only the French text is authentic)

(94/1064/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽¹⁾, as amended by Regulation (EEC) No 2082/93 ⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽³⁾, as amended by Regulation (EEC) No 2081/93 ⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC ⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the French Government has submitted to the Commission on 28 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the region of Bourgogne; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 5.

⁽⁵⁾ OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas the Single Programming Document satisfies the conditions and includes the information required by Article 14 of Regulation (EEC) No 4253/88;

Whereas Article 9 (3) of Regulation (EEC) No 4253/88 lays down that Member States shall provide the relevant financial information to the Commission to permit verification of the respect of the principle of additionality; whereas the analysis, in the framework of partnership, of the information provided for by the

French authorities has not yet allowed this verification; whereas, payments should therefore be suspended after the first advance provided for in Article 21 (2) of the said Regulation until the Commission will have verified the respect of the additionality;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88, and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the region of Bourgogne concerned by Objective 2 in France, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in France;

the main priorities are:

1. encourage economic development;
2. land-use planning and improvement;
3. develop human resources;

- (b) the assistance from the Structural Funds as referred to in Article 4;

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- (c) the detailed provisions for implementing the Single Programming Document comprising:
- the procedures for monitoring and evaluation,
 - the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

ECU million (1994 prices)	
1994	15,702
1995	16,372
1996	17,326
Total	49,400

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 49,4 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 54 million for the public sector and ECU 27 million for the private sector, may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: ECU 41,966 million,
- ESF: ECU 7,434 million.

2. The budgetary commitments for the first instalment are as follows:

- ERDF: ECU 13,339 million,
- ESF: ECU 2,363 million.

Commitments of subsequent instalments will be based on the financing plan for the Single Programming Document and on progress in its implementation.

3. The financial contribution will be suspended after the payment of the first advance provided for in Article 21 (2) of Regulation (EEC) No 4253/88 until such time as the Commission has verified the respect of the principle of additionality on the basis of the relevant information supplied by the Member State.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 8

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52, 59, 92 and 93 of the EC Treaty and the Community Directives on the coordination of procedures for the award of contracts.

Article 9

This Decision is addressed to the French Republic.

Done at Brussels, 16 December 1994.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 16 December 1994

on the approval of the Single Programming Document for Community structural assistance in the region of Rhône-Alpes concerned by Objective 2 in France

(Only the French text is authentic)

(94/1065/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2082/93⁽²⁾, and in particular Article 10 (1) last subparagraph thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas the programming procedure for structural assistance under Objective 2 is defined in Article 9 (8) to (10) of Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as amended by Regulation (EEC) No 2081/93⁽⁴⁾; whereas, however, the last subparagraph of Article 5 (2) of Regulation (EEC) No 4253/88 foresees that in order to simplify and to speed up programming procedures, Member States may submit in a Single Programming Document the information required for the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and the information required at Article 14 (2) of Regulation (EEC) No 4253/88; whereas Article 10 (1) last subparagraph of Regulation (EEC) No 4253/88 foresees that in that case the Commission adopts a single decision in a Single Document covering the points

referred to in Article 8 (3) and the assistance from the Funds referred to in the last subparagraph of Article 14 (3);

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the French Government has submitted to the Commission on 28 April 1994 the Single Programming Document referred to in Article 5 (2) of Regulation (EEC) No 4253/88 for the region of Rhône-Alpes; whereas this document contains the elements referred to in Article 9 (8) of Regulation (EEC) No 2052/88 and in Article 14 (2) of Regulation (EEC) No 4253/88; whereas expenditure under this Single Programming Document is eligible pursuant to Article 33 (2) of Regulation (EEC) No 4253/88, from 1 January 1994;

Whereas the Single Programming Document submitted by this Member State includes a description of the conversion priorities selected and the applications for assistance from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) as well as an indication of the planned use of the assistance available from the European Investment Bank (EIB) and the other financial instruments in implementing the Single Programming Document;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes;

Whereas the EIB has been involved in the drawing up of the Single Programming Document in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88, applicable by analogy in the establishment of the Single Programming Document; whereas it has declared itself prepared to contribute to the implementation of this document in conformity with its statutory provisions; whereas, however, it has not yet

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽³⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 5.

⁽⁵⁾ OJ No L 81, 24. 3. 1993, p. 1.

been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds ⁽¹⁾, as last amended by Regulation (EC) No 2745/94 ⁽²⁾, stipulates that in the Commission Decisions approving a Single Programming Document, the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽³⁾, as amended by Regulation (EEC) No 2083/93 ⁽⁴⁾, defines the measures for which the ERDF may provide financial support;

Whereas Article 1 of Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁵⁾, as amended by Regulation (EEC) No 2084/93 ⁽⁶⁾, defines the measures for which the ESF may provide financial support;

Whereas the Single Programming Document has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas the Single Programming Document satisfies the conditions and includes the information required by Article 14 of Regulation (EEC) No 4253/88;

Whereas Article 9 (3) of Regulation (EEC) No 4253/88 lays down that Member States shall provide the relevant financial information to the Commission to permit verification of the respect of the principle of additionality; whereas the analysis, in the framework of partnership, of the information provided for by the

French authorities has not yet allowed this verification; whereas, payments should therefore be suspended after the first advance provided for in Article 21 (2) of the said Regulation until the Commission will have verified the respect of the additionality;

Whereas the present assistance satisfies the conditions laid down in Article 13 of Regulation (EEC) No 4253/88, and so should be implemented by means of an integrated approach involving finance from more than one Fund;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁷⁾, as last amended by Regulation (ECSC, EC, Euratom) No 2730/94 ⁽⁸⁾, states that the legal commitments entered into for measures extending over more than one financial year must contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas all the other conditions laid down for the grant of aid from the ERDF and the ESF have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance in the region of Rhône-Alpes concerned by Objective 2 in France, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

Article 2

The Single Programming Document includes the following essential elements:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in France;

the main priorities are:

1. improving the competitiveness of enterprise;
2. develop training and research;
3. support local development;

- (b) the assistance from the Structural Funds as referred to in Article 4;

⁽¹⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽²⁾ OJ No L 290, 11. 11. 1994, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁶⁾ OJ No L 193, 31. 7. 1993, p. 39.

⁽⁷⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁸⁾ OJ No L 293, 12. 11. 1994, p. 7.

- (c) the detailed provisions for implementing the Single Programming Document comprising:
- the procedures for monitoring and evaluation,
 - the financial implementation provisions,
 - the rules for compliance with Community policies;
- (d) the procedures for verifying additionality;
- (e) the arrangements for associating the environmental authorities with the implementation of the Single Programming Document;
- (f) the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

Article 3

For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

<i>ECU million (1994 prices)</i>	
1994	31,690
1995	33,044
1996	34,966
Total	99,700

Article 4

The assistance from the Structural Funds granted to the Single Programming Document amounts to a maximum of ECU 99,7 million.

The procedure for granting the financial assistance, including the financial contribution from the Funds to the various priorities and measures, is set out in the financing plan and the detailed implementing provisions which form an integral part of the Single Programming Document.

The national financial contribution envisaged, which is approximately ECU 133 million for the public sector and ECU 84 million for the private sector, may be met in part by Community loans, in particular from the ECSC and EIB.

Article 5

1. The breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: ECU 81,754 million,
- ESF: ECU 17,946 million.

2. The budgetary commitments for the first instalment are as follows:

- ERDF: ECU 25,986 million,
- ESF: ECU 5,704 million.

Commitments of subsequent instalments will be based on the financing plan for the Single Programming Document and on progress in its implementation.

3. The financial contribution will be suspended after the payment of the first advance provided for in Article 21 (2) of Regulation (EEC) No 4253/88 until such time as the Commission has verified the respect of the principle of additionality on the basis of the relevant information supplied by the Member State.

Article 6

The breakdown among the Structural Funds and the procedure for the grant of the assistance may be altered subsequently, subject to the availability of funds and the budgetary rules, in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 7

The Community aid concerns expenditure on operations under the Single Programming Document which, in the Member State concerned, are the subject of legally binding commitments and for which the requisite finance has been specifically allocated no later than 31 December 1996. The final date for taking account of expenditure on these measures is 31 December 1998.

Article 8

The Single Programming Document shall be implemented in accordance with Community law, and in particular Articles 6, 30, 48, 52, 59, 92 and 93 of the EC Treaty and the Community Directives on the coordination of procedures for the award of contracts.

Article 9

This Decision is addressed to the French Republic.

Done at Brussels, 16 December 1994.

For the Commission

Bruce MILLAN

Member of the Commission

COMMISSION DECISION

of 30 December 1994

on the approval of the Community support framework for Community structural assistance in the regions concerned by Objective 2 in Spain

(Only the Spanish text is authentic)

((94/1066/EC))

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as amended by Regulation (EEC) No 2081/93⁽²⁾, and in particular Article 9 (9) thereof,

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

Whereas, in accordance with Article 9 (9) of Regulation (EEC) No 2052/88, the Commission, on the basis of the regional and social conversion plans submitted by the Member States, shall establish, through partnership and in agreement with the Member State concerned, the Community support frameworks for Community structural operations for the regions concerned by Objective 2;

Whereas Article 8 *et seq.* under Title III of Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down 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⁽³⁾, as amended by Regulation (EEC) No 2082/93⁽⁴⁾, stipulates the conditions for the preparation and implementation of Community support frameworks; whereas Article 8 (3) sets out the content of Community support frameworks;

Whereas the Commission has established, by Decision 94/169/EC⁽⁵⁾, an initial list of declining industrial areas concerned by Objective 2 for the period 1994 to 1996;

Whereas the Spanish Government submitted to the Commission on 26 April 1994 the regional and social conversion plan referred to in Article 9 (8) of Regulation (EEC) No 2052/88 for the regions concerned by Objective 2 in Spain for the period 1994 to 1996;

Whereas the plan submitted by this Member State includes a description of the conversion priorities selected, together with an indication of the levels of assistance under the European Regional Development Fund (ERDF) and the European Social Fund (ESF), as well as an indication of the planned use of the resources of the European Investment Bank (EIB) and the other financial instruments, envisaged for implementation of the plan;

Whereas the Community support framework has been established in agreement with the Member State concerned through the partnership defined in Article 4 of Regulation (EEC) No 2052/88;

Whereas, in accordance with Article 3 of Regulation (EEC) No 4253/88, the Commission is charged with ensuring, within the framework of the partnership, coordination and consistency between assistance from the Funds and assistance provided by the EIB and the other financial instruments, including the ECSC and the other actions for structural purposes and the Cohesion Fund;

Whereas the EIB has been involved in the drawing up of the Community support framework in accordance with the provisions of Article 8 (1) of Regulation (EEC) No 4253/88; whereas it has declared itself prepared to contribute to the implementation of the framework in conformity with its statutory provisions; whereas, however, it has not yet been possible to evaluate precisely the amounts of Community loans corresponding to the financial needs;

Whereas Article 2 second subparagraph of Commission Regulation (EEC) No 1866/90 of 2 July 1990 on arrangements for using the ecu for the purpose of the budgetary management of the Structural Funds⁽⁶⁾, as last amended by Regulation (EC) No 2745/94⁽⁷⁾, stipulates

⁽¹⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽²⁾ OJ No L 193, 31. 7. 1993, p. 5.

⁽³⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽⁴⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁵⁾ OJ No L 81, 24. 3. 1994, p. 1.

⁽⁶⁾ OJ No L 170, 3. 7. 1990, p. 36.

⁽⁷⁾ OJ No L 290, 11. 11. 1994, p. 4.

that in the Commission Decisions approving the Community support frameworks (CSFs), the Community assistance available for the entire period and the annual breakdown thereof shall be set out in ecus at prices for the year in which each Decision is taken and shall be subject to indexation; whereas this annual breakdown must be compatible with the progressive increase in the commitment appropriations shown in Annex II to Regulation (EEC) No 2052/88; whereas indexation is based on a single rate per year, corresponding to the rates applied annually to budget appropriations on the basis of the mechanism for the technical adjustment of the financial perspectives;

Whereas, in accordance with Article 10 (2) of Regulation (EEC) No 4253/88, this Decision shall be sent as a declaration of intent to the Member State;

Whereas, in accordance with Article 20 (1) and (2) of Regulation (EEC) No 4253/88, the budgetary commitments relating to the contribution from the Structural Funds to the financing of the operations covered by the Community support framework will be made on the basis of specific Commission decisions approving the operations concerned,

HAS ADOPTED THIS DECISION:

Article 1

The Community support framework for Community structural assistance in the regions concerned by Objective 2 in Spain, covering the period 1 January 1994 to 31 December 1996, is hereby approved.

The Commission declares that it intends to contribute to the implementation of this Community support framework in accordance with the detailed provisions thereof and in compliance with the rules and guidelines for the Structural Funds and other existing financial instruments.

Article 2

1. The Community support framework includes the following essential information:

- (a) a statement of the main priorities for joint action, their specific quantified objectives, an appraisal of their expected impact and their consistency with economic, social and regional policies in Spain;

the main priorities are:

1. support for employment and competitiveness of the enterprises;
2. protection of the environment;
3. support for research, technology and innovation;

4. development of transport linked to economic activities;
5. local and urban development;
6. technical assistance;
- (b) an outline of the operations to be implemented, particularly their specific objectives and the main types of measures involved;
- (c) the indicative financing plan;
- (d) the procedures for monitoring and evaluation;
- (e) the procedures for verifying additionality and an initial evaluation of the latter;
- (f) the arrangements for associating the environmental authorities with the implementation of the Community support framework;
- (g) information on the means available for technical assistance necessary for the preparation, implementation or adaptation of the measures concerned.

2. The indicative financing plan, not giving rise to indexation, specifies the total cost of the main priorities adopted for joint action by the Community and the Member State concerned, that is ECU 3 486,909 million for the whole period, and the financial arrangements envisaged for budgetary assistance from the Structural Funds, that is ECU 1 130 million.

The resulting national financial contribution, which is approximately ECU 1 310,373 million for the public sector and ECU 1 046,536 million for the private sector, may be met in part by Community loans, in particular from the ECSC and from the EIB.

Article 3

1. For the purpose of indexation, the annual breakdown of the global maximal allocation foreseen for the assistance from the Structural Funds is as follows:

ECU million (1994 prices)	
1994	360
1995	374
1996	396
Total	1 130

2. For guidance, the initial forecast breakdown of the total Community assistance available between the Structural Funds is as follows:

ERDF	77,0 %
ESF	23,0 %
Total	100,0 %

This breakdown may be altered subsequently in the light of adjustments decided according to the procedure laid down in Article 25 (5) of Regulation (EEC) No 4253/88.

Article 4

Done at Brussels, 30 December 1994.

For the Commission

Bruce MILLAN

Member of the Commission

This Decision is addressed to the Kingdom of Spain as a declaration of intent in accordance with Article 10 (2) of Regulation (EEC) No 4253/88.
