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II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 12 February 2001

approving the single programming document for Community structural assistance under Objective 2 in regions of North Rhine-Westphalia in Germany

(notified under document number C(2001) 233)

(Only the German text is authentic)

(2002/387/CE)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽¹⁾, and in particular Article 15(5) thereof,

After consulting the Committee on the Development and Conversion of Regions and the Committee pursuant to Article 147 of the Treaty,

Whereas:

(1) Articles 13 *et seq.* of Title II of Regulation (EC) No 1260/1999 lay down the procedure for preparing and implementing single programming documents.

(2) Article 15(1) and (2) of Regulation (EC) No 1260/1999 provides that, after consultation with the partners referred to in Article 8 of the Regulation, the Member State may submit to the Commission a development plan which is treated as a draft single programming document, and which contains the information referred to in Article 16 of the Regulation.

(3) Under Article 15(5) of Regulation (EC) No 1260/1999, on the basis of the regional development plan submitted by the Member State and within the partnership established in accordance with Article 8 of that Regulation, the Commission is to take a decision on the single programming document, in agreement with the Member State concerned and in accordance with the procedures laid down in Articles 48 to 51.

(4) The German Government submitted to the Commission on 19 April 2000 an acceptable draft single programming document for the regions in the *Land* of North Rhine-Westphalia fulfilling the conditions for Objective 2 pursuant to Article 4(1) and those qualifying for transitional support under Objectives 2 and 5(b) pursuant to Article 6(2) of Regulation (EC) No 1260/1999. The draft contains the information listed in Article 16 of the Regulation, and in particular a description of the priorities selected and an indication of the financial contribution from the European Regional Development Fund (ERDF) and the European Social Fund (ESF).

(5) The date of submission of the draft which was considered acceptable by the Commission constitutes the date from which expenditure under the plan is eligible. Under Article 52(4) of Regulation (EC) No 1260/1999, as an acceptable plan was submitted between 1 January and 30 April 2000, the date from which expenditure under the plan is eligible is 1 January 2000. Under Article 30 of the Regulation, it is necessary to lay down the final date for the eligibility of expenditure.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

- (6) The rural development measures to be financed by the European Agricultural Guidance and Guarantee Fund are governed, in particular as regards their compatibility and consistency with common agricultural policy measures, by Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations ⁽²⁾.
- (7) The single programming document has been drawn up in agreement with the Member State concerned and within the partnership.
- (8) The Commission has satisfied itself that the single programming document is in accordance with the principle of additionality.
- (9) Under Article 10 of Regulation (EC) No 1260/1999, the Commission and the Member State are required to ensure, in a manner consistent with the principle of partnership, coordination between assistance from the Funds and from the EIB and other existing financial instruments.
- (10) The financial contribution from the Community available over the entire period and its year-by-year breakdown are expressed in euro. The annual breakdown should be consistent with the relevant financial perspective. Under Article 7(7) of Regulation (EC) No 1260/1999, the Community contribution has already been indexed at a rate of 2 % per year. Under Article 7(7) and Article 44(2) of the Regulation, the Community contribution may be reviewed at mid-term, and not later than 31 March 2004, to take account of the effective level of inflation and the allocation of the performance reserve.
- (11) Provision should be made for adapting the financial allocations of the priorities of this single programming document within certain limits to actual requirements reflected by the pattern of implementation on the ground, in agreement with the Member State concerned,

HAS ADOPTED THIS DECISION:

Article 1

The single programming document for Community structural assistance in the regions of North Rhine-Westphalia eligible under Objective 2 and in those qualifying for transitional support under Article 6(2) of Regulation (EC) No 1260/1999 for the period 1 January 2000 to 31 December 2006 is hereby approved.

(2) OJ L 160, 26.6.1999, p. 80.

Article 2

1. In accordance with Article 19 of Regulation (EC) No 1260/1999, the single programming document includes the following elements:

- (a) the strategy and priorities for the joint action of the Structural Funds and the Member State; their specific quantified targets; the *ex ante* evaluation of the expected impact, including on the environmental situation, and the consistency of the priorities with the economic, social and regional policies and the employment strategy of Germany;

the priorities are as follows:

- 1. business and start-up finance;
- 2. innovation and development of skills;
- 3. innovation-related infrastructure;
- 4. support for particular target groups;
- 5. technical assistance;

- (b) a summary description of the measures planned to implement the priorities, including the information needed to check compliance with the State aid rules under Article 87 of the Treaty;

- (c) the indicative financing plan specifying for each priority and each year the financial allocation envisaged for the contribution from each Fund — including, for information, the total amount from the EAGGF Guarantee Section and indicating separately the funding planned for the regions receiving transitional support in respect of Objectives 2 and 5(b) and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year for the single programming document is consistent with the relevant financial perspective;

- (d) the provisions for implementing the single programming document including designation of the managing authority, a description of the arrangements for managing the single programming document and the use to be made of global grants, a description of the systems for monitoring and evaluation, including the role of the Monitoring Committee and the arrangements for the participation of the partners in that Committee;

- (e) the *ex ante* verification of compliance with additionality and information on the transparency of financial flows;

- (f) information on the resources required for preparing, monitoring and evaluating the assistance.

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 3 598 623 494 for the whole period

and the financial contribution from the Structural Funds at EUR 970 360 996.

The resulting requirement for national resources of EUR 1 025 037 497 from the public sector and EUR 1 603 225 001 from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments.

Article 3

1. The total assistance from the Structural Funds granted under this Decision amounts to EUR 970 360 996. Of that amount, EUR 149 652 999 will be suspended until the Commission adopts the decision to carry over those appropriations pursuant to the first indent of Article 7(2)(a) of the Financial Regulation. To the extent to which the amount whose payment is suspended corresponds to budgetary appropriations which will be available as result of the carryover decision, the suspension will be lifted when that decision comes into force.

The total assistance from the Structural Funds granted under this single programming document amounts to EUR 970 360 996. The procedure for granting the financial assistance, including the financial contribution from the Funds for the various priorities included in the single programming document, is set out in the financing plan annexed to this Decision.

2. The indicative initial estimated breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: EUR 823 620 224
- ESF: EUR 146 740 772

3. During implementation of the financing plan, the total cost or Community financing of a given priority may be adjusted in agreement with the Member State by up to 25 % of the total Community contribution to the single programming document throughout the programme period, up to a maximum of EUR 30 million, without altering the total Community contribution referred to in paragraph 1.

Article 4

This Decision is without prejudice to the Commission's position on aid schemes falling within Article 87(1) of the Treaty that are included in this assistance and which it has not

yet approved. Submission of the application for assistance, the programme complement or a request for payment by the Member State does not replace the notification required by Article 88(3) of the Treaty.

Community financing of State aid falling within Article 87(1) of the Treaty, granted under aid schemes or in individual cases, requires prior approval by the Commission under Article 88(3) of the Treaty, except where the aid falls under the *de minimis* rule or is exempted under an exemption regulation adopted by the Commission under Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 (now 87 and 88) of the Treaty establishing the European Community to certain categories of horizontal State aid⁽³⁾. In the absence of such exemption or approval, aid is illegal and subject to the consequences set out in the procedural regulation for State aid, and its part-financing would be treated as an irregularity within the meaning of Articles 38 and 39 of Regulation (EC) No 1260/1999.

Consequently, the Commission will not accept requests for interim and final payments under Article 32 of the Regulation for measures being part-financed with new or altered aid, as defined in the procedural regulation for State aid, granted under aid schemes or in individual cases, until such aid has been notified to and formally approved by the Commission.

Article 5

The date from which expenditure shall be eligible is 1 January 2000. The closing date for the eligibility of expenditure shall be 31 December 2008. This date is extended to 30 April 2009 for expenditure incurred by bodies granting assistance under Article 9(l) of Regulation (EC) No 1260/1999. The closing date for the eligibility of expenditure in the regions receiving transitional support shall be 31 December 2007.

Article 6

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 12 February 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽³⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 22 March 2001

approving the single programming document for Community structural assistance under Objective 2 in regions of Rhineland-Pfatz in Germany*(notified under document number C(2001) 666)***(Only the German text is authentic)**

(2002/388/CE)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽¹⁾, and in particular Article 15(5) thereof,

After consulting the Committee on the Development and Conversion of Regions and the Committee pursuant to Article 147 of the Treaty,

Whereas:

(1) Articles 13 *et seq.* of Title II of Regulation (EC) No 1260/1999 lay down the procedure for preparing and implementing single programming documents.

(2) Article 15(1) and (2) of Regulation (EC) No 1260/1999 provides that, after consultation with the partners referred to in Article 8 of the Regulation, the Member State may submit to the Commission a development plan which is treated as a draft single programming document, and which contains the information referred to in Article 16 of the Regulation.

(3) Under Article 15(5) of Regulation (EC) No 1260/1999, on the basis of the regional development plan submitted by the Member State and within the partnership established in accordance with Article 8 of that Regulation, the Commission is to take a decision on the single programming document, in agreement with the Member State concerned and in accordance with the procedures laid down in Articles 48 to 51.

(4) The German Government submitted to the Commission on 15 March 2000 an acceptable draft single programming document for the regions in Rhineland-Pfatz fulfilling the conditions for Objective 2 pursuant to Article 4(1) and those qualifying for transitional support under Objective 5(b) pursuant to Article 6(2) of Regulation (EC) No 1260/1999. The draft contains the information listed in Article 16 of the Regulation, and in particular a description of the priorities selected and an indication of the financial contribution from the European Regional Development Fund (ERDF) and the European Social Fund (ESF).

(5) The date of submission of the draft which was considered acceptable by the Commission constitutes the date from which expenditure under the plan is eligible. Under Article 52(4) of Regulation (EC) No 1260/1999, as an acceptable plan was submitted between 1 January and 30 April 2000, the date from which expenditure under the plan is eligible is 1 January 2000. Under Article 30 of the Regulation, it is necessary to lay down the final date for the eligibility of expenditure.

(6) The rural development measures to be financed by the EAGGF are governed, in particular as regards their compatibility and consistency with common agricultural policy measures, by Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations ⁽²⁾.

(7) The single programming document has been drawn up in agreement with the Member State concerned and within the partnership.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

- (8) The Commission has satisfied itself that the single programming document is in accordance with the principle of additionality.
- (9) Under Article 10 of Regulation (EC) No 1260/1999, the Commission and the Member State are required to ensure, in a manner consistent with the principle of partnership, coordination between assistance from the Funds and from the EIB and other existing financial instruments.
- (10) The financial contribution from the Community available over the entire period and its year-by-year breakdown are expressed in euro. The annual breakdown should be consistent with the relevant financial perspective. Under Article 7(7) of Regulation (EC) No 1260/1999, the Community contribution has already been indexed at a rate of 2 % per year. Under Article 7(7) and Article 44(2) of the Regulation, the Community contribution may be reviewed at mid-term, and not later than 31 March 2004, to take account of the effective level of inflation and the allocation of the performance reserve.
- (11) Provision should be made for adapting the financial allocations of the priorities of this single programming document within certain limits to actual requirements reflected by the pattern of implementation on the ground, in agreement with the Member State concerned,

HAS ADOPTED THIS DECISION:

Article 1

The single programming document for Community structural assistance in the regions of Rhineland-Pfalz in Germany eligible under Objective 2 and in those qualifying for transitional support under Article 6(2) of Regulation (EC) No 1260/1999 for the period 1 January 2000 to 31 December 2006 is hereby approved.

Article 2

1. In accordance with Article 19 of Regulation (EC) No 1260/1999, the single programming document includes the following elements:

- (a) the strategy and priorities for the joint action of the Structural Funds and the Member State; their specific quantified targets; the *ex ante* evaluation of the expected impact, including on the environmental situation, and the consistency of the priorities with the economic, social and regional policies and the employment strategy of Germany;

the priorities are as follows:

1. promoting business infrastructure and tourism infrastructure;
 2. promoting business, tourism and the service sector;
 3. promoting technological development, technology transfer and the development of the information society;
 4. environment and sustainability;
 5. modernising employment by integrated activities to develop human resources;
 6. technical assistance;
- (b) a summary description of the measures planned to implement the priorities, including the information needed to check compliance with the State aid rules under Article 87 of the Treaty;
- (c) the indicative financing plan specifying for each priority and each year the financial allocation envisaged for the contribution from each Fund — including, for information, the total amount from the EAGGF Guarantee Section and indicating separately the funding planned for the regions receiving transitional support in respect of Objective 5(b) and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year for the single programming document is consistent with the relevant financial perspective;
- (d) the provisions for implementing the single programming document including designation of the managing authority, a description of the arrangements for managing the single programming document and the use to be made of global grants, a description of the systems for monitoring and evaluation, including the role of the Monitoring Committee and the arrangements for the participation of the partners in that Committee;
- (e) the *ex ante* verification of compliance with additionality and information on the transparency of financial flows;
- (f) information on the resources required for preparing, monitoring and evaluating the assistance.

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 1 402 927 000 for the whole period and the financial contribution from the Structural Funds at EUR 170 677 000.

The resulting requirement for national resources of EUR 172 669 000 from the public sector and EUR 1 059 581 000 from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments.

Article 3

1. The total assistance from the Structural Funds granted under the single programming document amounts to EUR 170 677 000.

The procedure for granting the financial assistance, including the financial contribution from the Funds for the various priorities included in the single programming document, is set out in the financing plan annexed to this Decision.

2. The indicative initial estimated breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: EUR 158 877 000
- ESF: EUR 11 800 000

3. During implementation of the financing plan, the total cost or Community financing of a given priority may be adjusted in agreement with the Member State by up to 25 % of the total Community contribution to the single programming document throughout the programme period, up to a maximum of EUR 30 million, without altering the total Community contribution referred to in paragraph 1.

Article 4

This Decision is without prejudice to the Commission's position on aid schemes falling within Article 87(1) of the Treaty that are included in this assistance and which it has not yet approved. Submission of the application for assistance, the programme complement or a request for payment by the Member State does not replace the notification required by Article 88(3) of the Treaty.

Community financing of State aid falling within Article 87(1) of the Treaty, granted under aid schemes or in individual cases, requires prior approval by the Commission under Article 88(3)

of the Treaty, except where the aid falls under the *de minimis* rule or is exempted under an exemption regulation adopted by the Commission under Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 (now 87 and 88) of the Treaty establishing the European Community to certain categories of horizontal State aid⁽³⁾. In the absence of such exemption or approval, aid is illegal and subject to the consequences set out in the procedural regulation for State aid, and its part-financing would be treated as an irregularity within the meaning of Articles 38 and 39 of Regulation (EC) No 1260/1999.

Consequently, the Commission will not accept requests for interim and final payments under Article 32 of the Regulation for measures being part-financed with new or altered aid, as defined in the procedural regulation for State aid, granted under aid schemes or in individual cases, until such aid has been notified to and formally approved by the Commission.

Article 5

The date from which expenditure shall be eligible is 1 January 2000. The closing date for the eligibility of expenditure shall be 31 December 2008. This date is extended to 30 April 2009 for expenditure incurred by bodies granting assistance under Article 9(l) of Regulation (EC) No 1260/1999. The closing date for the eligibility of expenditure in the regions receiving transitional support shall be 31 December 2007.

Article 6

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 22 March 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽³⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 22 March 2001

approving the single programming document for Community structural assistance under Objective 2 in regions of Saarland in Germany

(notified under document number C(2001) 667)

(Only the German text is authentic)

(2002/389/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽¹⁾, and in particular Article 15(5) thereof,

After consulting the Committee on the Development and Conversion of Regions and the Committee pursuant to Article 147 of the Treaty,

Whereas:

(1) Articles 13 *et seq.* of Title II of Regulation (EC) No 1260/1999 lay down the procedure for preparing and implementing single programming documents.

(2) Article 15(1) and (2) of Regulation (EC) No 1260/1999 provides that, after consultation with the partners referred to in Article 8 of the Regulation, the Member State may submit to the Commission a development plan which is treated as a draft single programming document, and which contains the information referred to in Article 16 of the Regulation.

(3) Under Article 15(5) of Regulation (EC) No 1260/1999, on the basis of the regional development plan submitted by the Member State and within the partnership established in accordance with Article 8 of that Regulation, the Commission is to take a decision on the single programming document, in agreement with the Member State concerned and in accordance with the procedures laid down in Articles 48 to 51.

(4) The German Government submitted to the Commission on 19 April 2000 an acceptable draft single programming document for the regions in Saarland fulfilling the conditions for Objective 2 pursuant to Article 4(1) and those qualifying for transitional support under Objectives 2 and 5(b) pursuant to Article 6(2) of Regulation (EC) No 1260/1999. The draft contains the information listed in Article 16 of the Regulation, and in particular a description of the priorities selected and an indication of the financial contribution from the European Regional Development Fund (ERDF) and the European Social Fund (ESF).

(5) The date of submission of the draft which was considered acceptable by the Commission constitutes the date from which expenditure under the plan is eligible. Under Article 52(4) of Regulation (EC) No 1260/1999, as an acceptable plan was submitted between 1 January and 30 April 2000, the date from which expenditure under the plan is eligible is 1 January 2000. Under Article 30 of the Regulation, it is necessary to lay down the final date for the eligibility of expenditure.

(6) The single programming document has been drawn up in agreement with the Member State concerned and within the partnership.

(7) The Commission has satisfied itself that the single programming document is in accordance with the principle of additionality.

(8) Under Article 10 of Regulation (EC) No 1260/1999, the Commission and the Member State are required to ensure, in a manner consistent with the principle of partnership, coordination between assistance from the Funds and from the EIB and other existing financial instruments.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

- (9) The financial contribution from the Community available over the entire period and its year-by-year breakdown are expressed in euro. The annual breakdown should be consistent with the relevant financial perspective. Under Article 7(7) of Regulation (EC) No 1260/1999, the Community contribution has already been indexed at a rate of 2 % per year. Under Article 7(7) and Article 44(2) of the Regulation, the Community contribution may be reviewed at mid-term, and not later than 31 March 2004, to take account of the effective level of inflation and the allocation of the performance reserve.
- (10) Provision should be made for adapting the financial allocations of the priorities of this single programming document within certain limits to actual requirements reflected by the pattern of implementation on the ground, in agreement with the Member State concerned,
- (b) a summary description of the measures planned to implement the priorities, including the information needed to check compliance with the State aid rules under Article 87 of the Treaty;
- (c) the indicative financing plan specifying for each priority and each year the financial allocation envisaged for the contribution from each Fund — including, for information, the total amount from the EAGGF Guarantee Section and indicating separately the funding planned for the regions receiving transitional support in respect of Objectives 2 and 5(b) and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year for the single programming document is consistent with the relevant financial perspective;
- (d) the provisions for implementing the single programming document including designation of the managing authority, a description of the arrangements for managing the single programming document and the use to be made of global grants, a description of the systems for monitoring and evaluation, including the role of the Monitoring Committee and the arrangements for the participation of the partners in that Committee;
- (e) the *ex ante* verification of compliance with additionality and information on the transparency of financial flows;
- (f) information on the resources required for preparing, monitoring and evaluating the assistance.

HAS ADOPTED THIS DECISION:

Article 1

The single programming document for Community structural assistance in the regions of Saarland in Germany eligible under Objective 2 and in those qualifying for transitional support under Objectives 2 and 5(b) for the period 1 January 2000 to 31 December 2006 is hereby approved.

Article 2

1. In accordance with Article 19 of Regulation (EC) No 1260/1999, the single programming document includes the following elements:

- (a) the strategy and priorities for the joint action of the Structural Funds and the Member State; their specific quantified targets; the *ex ante* evaluation of the expected impact, including on the environmental situation, and the consistency of the priorities with the economic, social and regional policies and the employment strategy of Germany;

the priorities are as follows:

1. modern infrastructure — an efficient economy;
2. converting the economy: alternatives to coal and steel;
3. towns fit to live in;
4. transitional support;
5. technical assistance;

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 981 785 000 for the whole period and the financial contribution from the Structural Funds at EUR 171 089 000.

The resulting requirement for national resources of EUR 207 664 000 from the public sector and EUR 603 032 000 from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments.

Article 3

1. The total assistance from the Structural Funds granted under the single programming document amounts to EUR 171 089 000. The procedure for granting the financial assistance, including the financial contribution from the Funds for the various priorities included in the single programming document, is set out in the financing plan annexed to this Decision.

2. The indicative initial estimated breakdown among the Structural Funds of the total Community assistance available is as follows:

— ERDF: EUR 130 841 000

— ESF: EUR 40 248 000

3. During implementation of the financing plan, the total cost or Community financing of a given priority may be adjusted in agreement with the Member State by up to 25 % of the total Community contribution to the single programming document throughout the programme period, up to a maximum of EUR 30 million, without altering the total Community contribution referred to in paragraph 1.

Article 4

This Decision is without prejudice to the Commission's position on aid schemes falling within Article 87(1) of the Treaty that are included in this assistance and which it has not yet approved. Submission of the application for assistance, the programme complement or a request for payment by the Member State does not replace the notification required by Article 88(3) of the Treaty.

Community financing of State aid falling within Article 87(1) of the Treaty, granted under aid schemes or in individual cases, requires prior approval by the Commission under Article 88(3) of the Treaty, except where the aid falls under the *de minimis* rule or is exempted under an exemption regulation adopted by the Commission under Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 (now 87 and 88) of the Treaty establishing the European Community to certain categories of horizontal State aid ⁽²⁾. In

(2) OJ L 142, 14.5.1998, p. 1.

the absence of such exemption or approval, aid is illegal and subject to the consequences set out in the procedural regulation for State aid, and its part-financing would be treated as an irregularity within the meaning of Articles 38 and 39 of Regulation (EC) No 1260/1999.

Consequently, the Commission will not accept requests for interim and final payments under Article 32 of the Regulation for measures being part-financed with new or altered aid, as defined in the procedural regulation for State aid, granted under aid schemes or in individual cases, until such aid has been notified to and formally approved by the Commission.

Article 5

The date from which expenditure shall be eligible is 1 January 2000. The closing date for the eligibility of expenditure shall be 31 December 2008. This date is extended to 30 April 2009 for expenditure incurred by bodies granting assistance under Article 9(l) of Regulation (EC) No 1260/1999. The closing date for the eligibility of expenditure in the regions receiving transitional support shall be 31 December 2007.

Article 6

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 22 March 2001.

For the Commission

Michel BARNIER

Member of the Commission

COMMISSION DECISION

of 22 March 2001

approving the single programming document for Community structural assistance under Objective 2 in the regions of Baden-Württemberg in the Federal Republic of Germany

(notified under document number C(2001) 773)

(Only the German text is authentic)

(2002/390/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽¹⁾, and in particular Article 15(5) thereof,

After consulting the Committee on the Development and Conversion of Regions and the Committee pursuant to Article 147 of the Treaty,

Whereas:

- (1) Articles 13 *et seq.* of Title II of Regulation (EC) No 1260/1999 lay down the procedure for preparing and implementing single programming documents.
- (2) Article 15(1) and (2) of Regulation (EC) No 1260/1999 provides that, after consultation with the partners referred to in Article 8 of the Regulation, the Member State may submit to the Commission a development plan which is treated as a draft single programming document, and which contains the information referred to in Article 16 of the Regulation.
- (3) Under Article 15(5) of Regulation (EC) No 1260/1999, on the basis of the regional development plan submitted by the Member State and within the partnership established in accordance with Article 8 of that Regulation, the Commission is to take a decision on the single programming document, in agreement with the Member State concerned and in accordance with the procedures laid down in Articles 48 to 51.
- (4) The German Government submitted to the Commission on 6 July 2000 an acceptable draft single programming document for the regions in Baden-Württemberg fulfilling the conditions for Objective 2 pursuant to Article 4(1) of Regulation (EC) No 1260/1999. The draft

contains the information listed in Article 16 of the Regulation, and in particular a description of the priorities selected and an indication of the financial contribution from the European Regional Development Fund (ERDF).

- (5) The date of submission of the draft which was considered acceptable by the Commission constitutes the date from which expenditure under the plan is eligible. Under Article 52(4) of Regulation (EC) No 1260/1999, as an acceptable plan was submitted on 6 July 2000, the date from which expenditure under the plan is eligible is 6 July 2000. Under Article 30 of the Regulation, it is necessary to lay down the final date for the eligibility of expenditure.
- (6) The single programming document has been drawn up in agreement with the Member State concerned and within the partnership.
- (7) The Commission has satisfied itself that the single programming document is in accordance with the principle of additionality.
- (8) Under Article 10 of Regulation (EC) No 1260/1999, the Commission and the Member State are required to ensure, in a manner consistent with the principle of partnership, coordination between assistance from the Funds and from the EIB and other existing financial instruments.
- (9) The financial contribution from the Community available over the entire period and its year-by-year breakdown are expressed in euro. The annual breakdown should be consistent with the relevant financial perspective. Under Article 7(7) of Regulation (EC) No 1260/1999, the Community contribution has already been indexed at a rate of 2 % per year. Under Article 7(7) and Article 44(2) of the Regulation, the Community contribution may be reviewed at mid-term, and not later than 31 March 2004, to take account of the effective level of inflation and the allocation of the performance reserve.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

- (10) Provision must be made for adapting the financial allocations of the priorities of this single programming document within certain limits to actual requirements reflected by the pattern of implementation on the ground, in agreement with the Member State concerned,

HAS ADOPTED THIS DECISION:

Article 1

The single programming document for Community structural assistance under Objective 2 in the regions of Baden-Württemberg in the Federal Republic of Germany for the period 1 January 2000 to 31 December 2006 is hereby approved.

Article 2

1. In accordance with Article 19 of Regulation (EC) No 1260/1999, the single programming document includes the following elements:

- (a) the strategy and priorities for the joint action of the Structural Funds and the Member State; their specific quantified targets; the *ex ante* evaluation of the expected impact, including on the environmental situation, and the consistency of the priorities with the economic, social and regional policies and the employment strategy of the Federal Republic of Germany.

The priorities are as follows:

1. development of economic infrastructure;
 2. support for small and medium-sized enterprises;
 3. restructuring urban areas in difficulty;
 4. technical assistance;
- (b) a summary description of the measures planned to implement the priorities, including the information needed to check compliance with the State aid rules under Article 87 (ex Article 92) of the Treaty;
- (c) the indicative financing plan specifying for each priority and each year the financial allocation envisaged for the contribution from each Fund — including, for information, the total amount from the EAGGF Guarantee Section and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year for the single programming document is consistent with the relevant financial perspective;

- (d) the provisions for implementing the single programming document including designation of the managing authority, a description of the arrangements for managing the single programming document and the use to be made of global grants, a description of the systems for monitoring and evaluation, including the role of the Monitoring Committee and the arrangements for the participation of the partners in that Committee;

- (e) the *ex ante* verification of compliance with additionality and information on the transparency of financial flows;

- (f) information on the resources required for preparing, monitoring and evaluating the assistance.

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 1 160 366 000 for the whole period and the financial contribution from the Structural Funds at EUR 97 769 000.

The resulting requirement for national resources of EUR 157 808 000 from the public sector and EUR 904 789 000 from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments.

Article 3

1. The total assistance from the Structural Funds granted under the single programming document amounts to EUR 97 769 000 from the ERDF. The procedure for granting the financial assistance, including the financial contribution from the ERDF for the various priorities included in the single programming document, is set out in the financing plan annexed to this Decision.

2. During implementation of the financing plan, the total cost or Community financing of a given priority may be adjusted in agreement with the Member State by up to 25 % of the total Community contribution to the single programming document throughout the programme period, up to a maximum of EUR 30 million, without altering the total Community contribution referred to in paragraph 1.

Article 4

This Decision is without prejudice to the Commission's position on aid schemes falling within Article 87(1) (ex Article 92(1)) of the Treaty that are included in this assistance and which it has not yet approved. Submission of the application for assistance, the programme complement or a

request for payment by the Member State does not replace the notification required by Article 88(3) (ex Article 93(3)) of the Treaty.

Community financing of State aid falling within Article 87(1) (ex Article 92(1)) of the Treaty, granted under aid schemes or in individual cases, requires prior approval by the Commission under Article 88 (ex Article 93) of the Treaty, except where the aid falls under the *de minimis* rule or is exempted under an exemption regulation adopted by the Commission under Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 (new Articles 87 and 88) to certain categories of horizontal State aid ⁽²⁾. In the absence of such exemption or approval, aid is illegal and subject to the consequences set out in the procedural regulation for state aid, and its part-financing would be treated as an irregularity within the meaning of Articles 38 and 39 of Regulation (EC) No 1260/1999.

Consequently, the Commission will not accept requests for interim and final payments under Article 32 of the Regulation for measures being part-financed with new or altered aid, as

defined in the procedural regulation for State aid, granted under aid schemes or in individual cases, until such aid has been notified to and formally approved by the Commission.

Article 5

The date from which expenditure shall be eligible is 6 July 2000. The closing date for the eligibility of expenditure shall be 31 December 2008. This date is extended to 30 April 2009 for expenditure incurred by bodies granting assistance under Article 9(l) of Regulation (EC) No 1260/1999. The closing date for the eligibility of expenditure for transitional support shall be 31 December 2007.

Article 6

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 22 March 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 22 March 2001

approving the single programming document for Community structural assistance in the areas of Bremen eligible under Objective 2 in the Federal Republic of Germany*(notified under document number C(2001) 774)***(Only the German text is authentic)**

(2002/391/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽¹⁾, and in particular Article 15(5) thereof,

After consulting the Committee on the Development and Conversion of Regions,

Whereas:

(1) Articles 13 *et seq.* of Title II of Regulation (EC) No 1260/1999 lay down the procedure for preparing and implementing single programming documents.

(2) Article 15(1) and (2) of Regulation (EC) No 1260/1999 provides that, after consultation with the partners referred to in Article 8 of the Regulation, the Member State may submit to the Commission a development plan which is treated as a draft single programming document, and which contains the information referred to in Article 16 of the Regulation.

(3) Under Article 15(5) of Regulation (EC) No 1260/1999, on the basis of the regional development plan submitted by the Member State and within the partnership established in accordance with Article 8 of that Regulation, the Commission is to take a decision on the single programming document, in agreement with the Member State concerned and in accordance with the procedures laid down in Articles 48 to 51.

(4) The German Government submitted to the Commission on 27 April 2000 an acceptable draft single programming document for the areas of Bremen fulfilling the conditions for Objective 2 pursuant to Article 4(1) of Regulation (EC) No 1260/1999. The draft contains the information listed in Article 16 of the Regulation, and in particular a description of the priorities selected and an indication of the financial contribution from the European Regional Development Fund (ERDF).

(5) The date of submission of the draft which was considered acceptable by the Commission constitutes the date from which expenditure under the plan is eligible. Under Article 52(4) of Regulation (EC) No 1260/1999, as an acceptable plan was submitted between 1 January and 30 April 2000, the date from which expenditure under the plan is eligible shall be 1 January 2000. Under Article 30 of the Regulation, it is necessary to lay down the final date for the eligibility of expenditure.

(6) The rural development measures to be financed by the EAGGF are governed, in particular as regards their compatibility and consistency with common agricultural policy measures, by Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) ⁽²⁾.

(7) The single programming document has been drawn up in agreement with the Member State concerned and within the partnership.

(8) The Commission has satisfied itself that the single programming document is in accordance with the principle of additionality.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

- (9) Under Article 10 of Regulation (EC) No 1260/1999, the Commission and the Member State are required to ensure, in a manner consistent with the principle of partnership, coordination between assistance from the Funds and from the EIB and other existing financial instruments.
- (10) The financial contribution from the Community available over the entire period and its year-by-year breakdown are expressed in euro. The annual breakdown should be consistent with the relevant financial perspective. Under Article 7(7) of Regulation (EC) No 1260/1999, the Community contribution has already been indexed at a rate of 2 % per year. Under Article 7(7) and Article 44(2) of the Regulation, the Community contribution may be reviewed at mid-term, and not later than 31 March 2004, to take account of the effective level of inflation and the allocation of the performance reserve.
- (11) Provision should be made for adapting the financial allocations of the priorities of this single programming document within certain limits to actual requirements reflected by the pattern of implementation on the ground, in agreement with the Member State concerned,

HAS ADOPTED THIS DECISION:

Article 1

The single programming document for Community structural assistance under Objective 2 in the regions of Bremen in the Federal Republic of Germany for the period 1 January 2000 to 31 December 2006 is hereby approved.

Article 2

1. In accordance with Article 19 of Regulation (EC) No 1260/1999, the single programming document includes the following elements:

- (a) the strategy and priorities selected for the joint action of the Structural Funds and the Member State; their specific quantified targets; the *ex ante* evaluation of the expected impact, particularly on the environment, and the consistency of the priorities with the economic, social and regional policies and the employment strategy of the Federal Republic of Germany.

the priorities are as follows:

1. diversifying the economic structure;
2. strengthening the services sector;
3. environmental protection, land redevelopment;

4. urban areas in difficulty;
5. technical assistance;

- (b) a summary description of the measures planned to implement the priorities, including the information needed to check compliance with the State aid rules under Article 87 of the Treaty;
- (c) the indicative financing plan specifying for each priority and each year the maximum financial allocation envisaged for the contribution from each Fund — including, for information, the total amount from the EAGGF Guarantee Section and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year is consistent with the relevant financial perspective;
- (d) the provisions for implementing the single programming document including designation of the managing authority, a description of the arrangements for managing the single programming document and the use to be made of global grants, a description of the systems for monitoring and evaluation, including the role of the Monitoring Committee and the arrangements for the participation of the partners in that Committee;
- (e) the *ex ante* verification of compliance with additionality and information on the transparency of financial flows;
- (f) information on the resources required for preparing, monitoring and evaluating the assistance.

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 354 659 059 for the whole period and the financial contribution from the Structural Funds at EUR 113 034 000.

The resulting requirement for national resources of EUR 113 034 000 from the public sector and EUR 128 591 059 from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments.

Article 3

1. The total assistance from the Structural Funds granted under the single programming document amounts to EUR 113 034 000 for the ERDF. The procedure for granting the financial assistance, including the financial contribution from the ERDF for the various priorities included in the single programming document, is set out in the financing plan annexed to this Decision.

2. During implementation of the financing plan, the total cost or Community financing of a given priority may be adjusted in agreement with the Member State by up to 25 % of the total contribution from the Fund to the single programming document throughout the programme period, up to a maximum of EUR 30 million, without altering the total Community contribution referred to in paragraph 1.

Article 4

This Decision is without prejudice to the Commission's position on aid schemes falling within Article 87(1) of the Treaty that are included in this assistance but which it has not yet approved. Submission of the application for assistance, the programme complement or a request for payment by the Member State does not replace the notification required by Article 88(3) of the Treaty.

Community financing of State aid falling within Article 87(1) of the Treaty, granted under aid schemes or in individual cases, requires prior approval by the Commission under Article 88(3) of the Treaty, except where the aid falls under the *de minimis* rule or is exempted under an exemption regulation adopted by the Commission under Council Regulation (EC) No 994/98 on the application of Articles 92 and 93 (now Articles 87 and 88) to certain categories of horizontal State aid⁽³⁾. In the absence of such exemption or approval, aid is illegal and subject to the consequences set out in the procedural regulation

for State aid. Part-financing of such aid would be treated as an irregularity within the meaning of Articles 38 and 39 of Regulation (EC) No 1260/1999.

Consequently, the Commission will not accept requests for interim and final payments under Article 32 of the Regulation for measures being part-financed with new or altered aid, as defined in the procedural regulation for State aid, granted under aid schemes or in individual cases, until such aid has been notified to and formally approved by the Commission.

Article 5

The date from which expenditure shall be eligible is 1 January 2000. The closing date for the eligibility of expenditure shall be 31 December 2008. This date is extended to 30 April 2009 for expenditure incurred by bodies granting assistance under Article 9(l) of Regulation (EC) No 1260/1999.

Article 6

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 22 March 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽³⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 22 March 2001

**approving the single programming document for Community structural assistance in the areas of
Lower Saxony eligible under Objective 2 in the Federal Republic of Germany***(notified under document number C(2001) 775)***(Only the German text is authentic)**

(2002/392/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽¹⁾, and in particular Article 15(5) thereof,

After consulting the Committee on the Development and Conversion of Regions and the Committee pursuant to Article 147 of the Treaty,

Whereas:

- (1) Articles 13 et seq. of Title II of Regulation (EC) No 1260/1999 lay down the procedure for preparing and implementing single programming documents.
- (2) Article 15(1) and (2) of Regulation (EC) No 1260/1999 provides that, after consultation with the partners referred to in Article 8 of the Regulation, the Member State may submit to the Commission a development plan which is treated as a draft single programming document, and which contains the information referred to in Article 16 of the Regulation
- (3) Under Article 15(5) of Regulation (EC) No 1260/1999, on the basis of the regional development plan submitted by the Member State and within the partnership established in accordance with Article 8 of that Regulation, the Commission is to take a decision on the single programming document, in agreement with the Member State concerned and in accordance with the procedures laid down in Articles 48 to 51.
- (4) The German Government submitted to the Commission on 13 April 2000 an acceptable draft single programming document for the regions of Lower Saxony fulfilling the conditions for Objective 2 pursuant to Article 4(1) of Regulation (EC) No 1260/1999 and

qualifying for transitional support under Objectives 2 and 5(b) pursuant to Article 6(2) of Regulation (EC) No 1260/1999. The draft contains the information listed in Article 16 of the Regulation, and in particular a description of the priorities selected and an indication of the financial contribution from the European Regional Development Fund (ERDF) and the European Social Fund (ESF).

- (5) The date of submission of the draft which was considered acceptable by the Commission constitutes the date from which expenditure under the plan is eligible. Under Article 52(4) of Regulation (EC) No 1260/1999, as an acceptable plan was submitted between 1 January and 30 April 2000, the date from which expenditure under the plan is eligible shall be 1 January 2000. Under Article 30 of the Regulation, it is necessary to lay down the final date for the eligibility of expenditure.
- (6) The rural development measures to be financed by the EAGGF are governed, in particular as regards their compatibility and consistency with common agricultural policy measures by Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) ⁽²⁾.
- (7) The single programming document has been drawn up in agreement with the Member State concerned and within the partnership.
- (8) The Commission has satisfied itself that the single programming document is in accordance with the principle of additionality.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

- (9) Under Article 10 of Regulation (EC) No 1260/1999, the Commission and the Member State are required to ensure, in a manner consistent with the principle of partnership, coordination between assistance from the Funds and from the EIB and other existing financial instruments.
- (10) The financial contribution from the Community available over the entire period and its year-by-year breakdown are expressed in euro. The annual breakdown should be consistent with the relevant financial perspective. Under Article 7(7) of Regulation (EC) No 1260/1999, the Community contribution has already been indexed at a rate of 2 % per year. Under Article 7(7) and Article 44(2) of the Regulation, the Community contribution may be reviewed at mid-term, and not later than 31 March 2004, to take account of the effective level of inflation and the allocation of the performance reserve.
- (11) Provision should be made for adapting the financial allocations of the priorities of this single programming document within certain limits to actual requirements reflected by the pattern of implementation on the ground, in agreement with the Member State concerned,

HAS ADOPTED THIS DECISION:

Article 1

The single programming document for Community structural assistance in the regions of Lower Saxony in the Federal Republic of Germany which are eligible under Objective 2 and receive transitional support under Article 6(2) of Regulation (EC) No 1260/1999 for the period 1 January 2000 to 31 December 2006 is hereby approved.

Artikel 2

1. In accordance with Article 19 of Regulation (EC) No 1260/1999, the single programming document includes the following elements:

- (a) the strategy and priorities selected for the joint action of the Structural Funds and the Member State; their specific quantified targets; the *ex ante* evaluation of the expected impact, particularly on the environment, and the consistency of the priorities with the economic, social and regional policies and the employment strategy of the Federal Republic of Germany.

the priorities are as follows:

1. support for economic competitiveness, particularly SMEs, RTD and the information society;

2. support for tourism and culture;
 3. local actions and promotion of indigenous potential;
 4. urban problem areas;
 5. economic infrastructure;
 6. technical assistance;
- (b) a summary description of the measures planned to implement the priorities, including the information needed to check compliance with the State aid rules under Article 87 of the Treaty;
- (c) the indicative financing plan specifying for each priority and each year the maximum financial allocation envisaged for the contribution from each Fund — including, for information, the total amount from the EAGGF Guarantee Section and indicating separately the funding planned for the regions receiving transitional support in respect of Objective 2 and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year is consistent with the relevant financial perspective;
- (d) the provisions for implementing the single programming document including designation of the managing authority, a description of the arrangements for managing the single programming document and the use to be made of global grants, a description of the systems for monitoring and evaluation, including the role of the Monitoring Committee and the arrangements for the participation of the partners in that Committee;
- (e) the *ex ante* verification of compliance with additionality and information on the transparency of financial flows;
- (f) information on the resources required for preparing, monitoring and evaluating the assistance.

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 1 492 457 000 for the whole period and the financial contribution from the Structural Funds at EUR 733 953 000.

The resulting requirement for national resources of EUR 707 833 462 from the public sector and EUR 50 670 538 from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments.

Article 3

1. The total assistance from the Structural Funds granted under the single programming document amounts to EUR 733 953 000. The procedure for granting the financial assistance, including the financial contribution from the Funds for the various priorities included in the single programming document, is set out in the financing plan annexed to this Decision.

2. The indicative initial estimated breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: EUR 682 254 000
- ESF: EUR 51 699 000

3. During implementation of the financing plan, the total cost or Community financing of a given priority may be adjusted in agreement with the Member State by up to 25 % of the total contribution from the Fund to the single programming document throughout the programme period, up to a maximum of EUR 30 million, without altering the total Community contribution referred to in paragraph 1.

Article 4

This Decision is without prejudice to the Commission's position on aid schemes falling within Article 87(1) of the Treaty that are included in this assistance and which it has not yet approved. Submission of the application for assistance, the programme complement or a request for payment by the Member State does not replace the notification required by Article 88(3) of the Treaty.

Community financing of State aid falling within Article 87(1) of the Treaty, granted under aid schemes or in individual cases, requires prior approval by the Commission under Article 88(3)

of the Treaty, except where the aid falls under the *de minimis* rule or is exempted under an exemption regulation adopted by the Commission under Council Regulation (EC) No 994/98 on the application of Articles 92 and 93 (now Articles 87 and 88) to certain categories of horizontal State aid⁽³⁾. In the absence of such exemption or approval, aid is illegal and subject to the consequences set out in the procedural regulation for State aid, and its part-financing would be treated as an irregularity within the meaning of Articles 38 and 39 of Regulation (EC) No 1260/1999.

Consequently, the Commission will not accept requests for interim and final payments under Article 32 of the Regulation for measures being part-financed with new or altered aid, as defined in the procedural regulation for State aid, granted under aid schemes or in individual cases, until such aid has been notified to and formally approved by the Commission.

Article 5

The date from which expenditure shall be eligible is 1 January 2000. The closing date for the eligibility of expenditure shall be 31 December 2008. This date is extended to 30 April 2009 for expenditure incurred by bodies granting assistance under Article 9(l) of Regulation (EC) No 1260/1999. The closing date for the eligibility of expenditure in the regions receiving transitional support shall be 31 December 2007.

Article 6

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 22 March 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽³⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 31 May 2001

approving the single programming document for Community structural assistance under Objective 2 in regions of Hessen in Germany*(notified under document number C(2001) 869)***(Only the German text is authentic)**

(2002/393/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

in particular a description of the priorities selected and an indication of the financial contribution from the European Regional Development Fund (ERDF).

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽¹⁾, and in particular Article 15(5) thereof,

After consulting the Committee on the Development and Conversion of Regions,

Whereas:

- (1) Articles 13 *et seq.* of Title II of Regulation (EC) No 1260/1999 lay down the procedure for preparing and implementing single programming documents.
- (2) Article 15(1) and (2) of Regulation (EC) No 1260/1999 provides that, after consultation with the partners referred to in Article 8 of the Regulation, the Member State may submit to the Commission a development plan which is treated as a draft single programming document, and which contains the information referred to in Article 16 of the Regulation.
- (3) Under Article 15(5) of Regulation (EC) No 1260/1999, on the basis of the regional development plan submitted by the Member State and within the partnership established in accordance with Article 8 of that Regulation, the Commission is to take a decision on the single programming document, in agreement with the Member State concerned and in accordance with the procedures laid down in Articles 48 to 51.
- (4) The German Government submitted to the Commission on 27 April 2000 an acceptable draft single programming document for the regions in Hessen fulfilling the conditions for Objective 2 pursuant to Article 4(1) of Regulation (EC) No 1260/1999. The draft contains the information listed in Article 16 of the Regulation, and

- (5) The date of submission of the draft, which was considered acceptable by the Commission, constitutes the date from which expenditure under the plan is eligible. Under Article 52(4) of Regulation (EC) No 1260/1999, as an acceptable plan was submitted between 1 January and 30 April 2000, the date from which expenditure under the plan is eligible shall be 1 January 2000. Under Article 30 of the Regulation, it is necessary to lay down the final date for the eligibility of expenditure.
- (6) The single programming document has been drawn up in agreement with the Member State concerned and within the partnership.
- (7) The Commission has satisfied itself that the single programming document is in accordance with the principle of additionality.
- (8) Under Article 10 of Regulation (EC) No 1260/1999, the Commission and the Member State are required to ensure, in a manner consistent with the principle of partnership, coordination between assistance from the Funds and from the EIB and other existing financial instruments.
- (9) The financial contribution from the Community available over the entire period and its year-by-year breakdown are expressed in euro. The annual breakdown should be consistent with the relevant financial perspective. Under Article 7(7) of Regulation (EC) No 1260/1999, the Community contribution has already been indexed at a rate of 2 % per year. Under Article 7(7) and Article 44(2) of the Regulation, the Community contribution may be reviewed at mid-term, and not later than 31 March 2004, to take account of the effective level of inflation and the allocation of the performance reserve.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

- (10) Provision must be made for adapting the financial allocations of the priorities of this single programming document within certain limits to actual requirements reflected by the pattern of implementation on the ground, in agreement with the Member State concerned,

HAS ADOPTED THIS DECISION:

Article 1

The single programming document for Community structural assistance in the regions of Hessen in Germany eligible under Objective 2 for the period 1 January 2000 to 31 December 2006 is hereby approved.

Article 2

1. In accordance with Article 19 of Regulation (EC) No 1260/1999, the single programming document includes the following elements:

- (a) the strategy and priorities for the joint action of the Structural Funds and the Member State; their specific quantified targets; the *ex ante* evaluation of the expected impact, including on the environmental situation, and the consistency of the priorities with the economic, social and regional policies and the employment strategy of Germany;

the priorities are as follows:

1. developing the business infrastructure;
 2. improving innovation capacity;
 3. increasing the number of business start-ups;
 4. promoting tourism;
 5. assisting disadvantaged urban areas;
 6. technical assistance;
- (b) a summary description of the measures planned to implement the priorities, including the information needed to check compliance with the State aid rules under Article 87 (ex Article 92) of the Treaty;
- (c) the indicative financing plan specifying for each priority and each year the financial allocation envisaged for the contribution from each Fund — including, for information, the total amount from the EAGGF Guarantee Section and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year for the single programming document is consistent with the relevant financial perspective;

- (d) the provisions for implementing the single programming document including designation of the managing authority, a description of the arrangements for managing the single programming document and the use to be made of global grants, a description of the systems for monitoring and evaluation, including the role of the Monitoring Committee and the arrangements for the participation of the partners in that Committee;

- (e) the *ex ante* verification of compliance with additionality and information on the transparency of financial flows;

- (f) information on the resources required for preparing, monitoring and evaluating the assistance.

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 542 378 714 for the whole period and the financial contribution from the Structural Funds at EUR 183 519 000.

The resulting requirement for national resources of EUR 123 512 799 from the public sector and EUR 235 346 915 from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments.

Article 3

1. The total assistance from the Structural Funds granted under the single programming document amounts to EUR 183 519 000 for the ERDF. Of that amount, the grant of EUR 28 777 000, which exceeds the financial perspective currently in force, shall be suspended until that perspective has been adjusted by the two arms of the budgetary authority. In so far as the amount of the suspended grant actually corresponds, year by year, to the budget appropriations that will become available following that adjustment, the suspension shall be lifted without further formality on the entry into force of that adjustment and the grant shall then become effective.

The suspended amount referred to in the first paragraph shall be allocated by year as follows: EUR 6 046 900 in 2002, EUR 6 046 900 in 2003, EUR 6 046 800 in 2004, EUR 6 046 800 in 2005 and EUR 4 589 600 in 2006.

2. The procedure for granting the financial assistance, including the financial contribution from the ERDF for the various priorities included in the single programming document, is set out in the financing plan annexed to this Decision.

3. During implementation of the financing plan, the total cost or Community financing of a given priority may be adjusted in agreement with the Member State by up to 25 % of the total Community contribution to the single programming document throughout the programme period, up to a maximum of EUR 30 million, without altering the total Community contribution referred to in paragraph 1.

Article 4

This Decision is without prejudice to the Commission's position on aid schemes falling within Article 87(1) (ex Article 92(1)) of the Treaty that are included in this assistance and which it has not yet approved. Submission of the application for assistance, the programme complement or a request for payment by the Member State does not replace the notification required by Article 88(3) (ex Article 93(3)) of the Treaty.

Community financing of State aid falling within Article 87(1) (ex Article 92(1)) of the Treaty, granted under aid schemes or in individual cases, requires prior approval by the Commission under Article 88(3) (ex Article 93(3)) of the Treaty, except where the aid falls under the *de minimis* rule or is exempted under an exemption regulation adopted by the Commission under Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 (now 87 and 88) to certain categories of horizontal State aid⁽²⁾. In the absence of such exemption or approval, aid is illegal and subject to the

consequences set out in the procedural regulation for State aid, and its part-financing would be treated as an irregularity within the meaning of Articles 38 and 39 of Regulation (EC) No 1260/1999.

Consequently, the Commission will not accept requests for interim and final payments under Article 32 of the Regulation for measures being part-financed with new or altered aid, as defined in the procedural regulation for State aid, granted under aid schemes or in individual cases, until such aid has been notified to and formally approved by the Commission.

Article 5

The date from which expenditure shall be eligible is 1 January 2000. The closing date for the eligibility of expenditure shall be 31 December 2008. This date is extended to 30 April 2009 for expenditure incurred by bodies granting assistance under Article 9(l) of Regulation (EC) No 1260/1999.

Article 6

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 31 May 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 3 July 2001

approving the single programming document for Community structural assistance under Objective 2 in regions of Bavaria in Germany

(notified under document number C(2001) 1251)

(Only the German text is authentic)

(2002/394/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽¹⁾, and in particular Article 15(5) thereof,

After consulting the Committee on the Development and Conversion of Regions and the Committee pursuant to Article 147 of the Treaty,

Whereas:

(1) Articles 13 *et seq.* of Title II of Regulation (EC) No 1260/1999 lay down the procedure for preparing and implementing single programming documents.

(2) Article 15(1) and (2) of Regulation (EC) No 1260/1999 provides that, after consultation with the partners referred to in Article 8 of the Regulation, the Member State may submit to the Commission a development plan which is treated as a draft single programming document, and which contains the information referred to in Article 16 of the Regulation.

(3) Under Article 15(5) of Regulation (EC) No 1260/1999, on the basis of the regional development plan submitted by the Member State and within the partnership established in accordance with Article 8 of that Regulation, the Commission is to take a decision on the single programming document, in agreement with the Member State concerned and in accordance with the procedures laid down in Articles 48 to 51.

(4) The German Government submitted to the Commission on 26 April 2000 an acceptable draft single programming document for the regions in Bavaria fulfilling the conditions for Objective 2 pursuant to Article 4(1) and those qualifying for transitional support under Objectives 2 and 5(b) pursuant to Article 6(2) of Regulation (EC) No 1260/1999. The draft contains the information listed in Article 16 of the Regulation, and in particular a description of the priorities selected and an indication of the financial contribution from the European Regional Development Fund (ERDF) and the European Social Fund (ESF).

(5) The date of submission of the draft which was considered acceptable by the Commission constitutes the date from which expenditure under the plan is eligible. Under Article 52(4) of Regulation (EC) No 1260/1999, as an acceptable plan was submitted between 1 January and 30 April 2000, the date from which expenditure under the plan is eligible is 1 January 2000. Under Article 30 of the Regulation, it is necessary to lay down the final date for the eligibility of expenditure.

(6) The single programming document has been drawn up in agreement with the Member State concerned and within the partnership.

(7) The Commission has satisfied itself that the single programming document is in accordance with the principle of additionality.

(8) Under Article 10 of Regulation (EC) No 1260/1999, the Commission and the Member State are required to ensure, in a manner consistent with the principle of partnership, coordination between assistance from the Funds and from the EIB and other existing financial instruments.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

- (9) The financial contribution from the Community available over the entire period and its year-by-year breakdown are expressed in euro. The annual breakdown should be consistent with the relevant financial perspective. Under Article 7(7) of Regulation (EC) No 1260/1999, the Community contribution has already been indexed at a rate of 2 % per year. Under Article 7(7) and Article 44(2) of the Regulation, the Community contribution may be reviewed at mid-term, and not later than 31 March 2004, to take account of the effective level of inflation and the allocation of the performance reserve.
- (10) Provision should be made for adapting the financial allocations of the priorities of this single programming document within certain limits to actual requirements reflected by the pattern of implementation on the ground, in agreement with the Member State concerned,

HAS ADOPTED THIS DECISION:

Article 1

The single programming document for Community structural assistance in the regions of Bavaria in Germany eligible under Objective 2 and in those qualifying for transitional support under Article 6(2) of Regulation (EC) No 1260/1999 for the period 1 January 2000 to 31 December 2006 is hereby approved.

Article 2

1. In accordance with Article 19 of Regulation (EC) No 1260/1999, the single programming document includes the following elements:

- (a) the strategy and priorities for the joint action of the Structural Funds and the Member State; their specific quantified targets; the *ex ante* evaluation of the expected impact, including on the environmental situation, and the consistency of the priorities with the economic, social and regional policies and the employment strategy of Germany;

the priorities are as follows:

1. development of infrastructure;
2. competitive companies, jobs for the future;
3. research, technology, information, skills development;
4. promotion of tourism;

5. better urban structures and efficient rural areas;
6. technical assistance;

- (b) a summary description of the measures planned to implement the priorities, including the information needed to check compliance with the State aid rules under Article 87 of the Treaty;
- (c) the indicative financing plan specifying for each priority and each year the financial allocation envisaged for the contribution from each Fund — including, for information, the total amount from the EAGGF Guarantee Section and indicating separately the funding planned for the regions receiving transitional support in respect of Objectives 2 and 5(b) and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year for the single programming document is consistent with the relevant financial perspective;
- (d) the provisions for implementing the single programming document including designation of the managing authority, a description of the arrangements for managing the single programming document and the use to be made of global grants, a description of the systems for monitoring and evaluation, including the role of the Monitoring Committee and the arrangements for the participation of the partners in that Committee;
- (e) the *ex ante* verification of compliance with additionality and information on the transparency of financial flows;
- (f) information on the resources required for preparing, monitoring and evaluating the assistance.

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 2 200 903 657 for the whole period and the financial contribution from the Structural Funds at EUR 536 638 000.

The resulting requirement for national resources of EUR 490 349 686 from the public sector and EUR 1 173 915 971 from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments.

Article 3

1. The total assistance from the Structural Funds granted under the single programming document amounts to EUR 536 638 000.

The procedure for granting the financial assistance, including the financial contribution from the Funds for the various priorities included in the single programming document, is set out in the financing plan annexed to this Decision.

2. The indicative initial estimated breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: EUR 475 804 351
- ESF: EUR 60 833 649

3. During implementation of the financing plan, the total cost or Community financing of a given priority may be adjusted in agreement with the Member State by up to 25 % of the total Community contribution to the single programming document throughout the programme period, up to a maximum of EUR 30 million, without altering the total Community contribution referred to in paragraph 1.

Article 4

This Decision is without prejudice to the Commission's position on aid schemes falling within Article 87(1) of the Treaty that are included in this assistance and which it has not yet approved. Submission of the application for assistance, the programme complement or a request for payment by the Member State does not replace the notification required by Article 88(3) of the Treaty.

Community financing of State aid falling within Article 87(1) of the Treaty, granted under aid schemes or in individual cases, requires prior approval by the Commission under Article 88(3) of the Treaty, except where the aid falls under the *de minimis* rule or is exempted under an exemption regulation adopted by the Commission under Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 (now

87 and 88) of the Treaty establishing the European Community to certain categories of horizontal State aid ⁽²⁾. In the absence of such exemption or approval, aid is illegal and subject to the consequences set out in the procedural regulation for State aid, and its part-financing would be treated as an irregularity within the meaning of Articles 38 and 39 of Regulation (EC) No 1260/1999.

Consequently, the Commission will not accept requests for interim and final payments under Article 32 of the Regulation for measures being part-financed with new or altered aid, as defined in the procedural regulation for State aid, granted under aid schemes or in individual cases, until such aid has been notified to and formally approved by the Commission.

Article 5

The date from which expenditure shall be eligible is 1 January 2000. The closing date for the eligibility of expenditure shall be 31 December 2008. This date is extended to 30 April 2009 for expenditure incurred by bodies granting assistance under Article 9(l) of Regulation (EC) No 1260/1999. The closing date for the eligibility of expenditure in the regions receiving transitional support shall be 31 December 2007.

Article 6

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 3 July 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 25 July 2001

approving the single programming document for Community structural assistance under Objective 2 in parts of Schleswig-Holstein in the Federal Republic of Germany*(notified under document number C(2001) 2008)***(Only the German text is authentic)**

(2002/395/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽¹⁾, and in particular Article 15(5) thereof,

After consulting the Committee on the Development and Conversion of Regions and the Committee pursuant to Article 147 of the Treaty,

Whereas:

(1) Articles 13 *et seq.* of Title II of Regulation (EC) No 1260/1999 lay down the procedure for preparing and implementing single programming documents.

(2) Article 15(1) and (2) of Regulation (EC) No 1260/1999 provides that, after consultation with the partners referred to in Article 8 of the Regulation, the Member State may submit to the Commission a development plan which is treated as a draft single programming document, and which contains the information referred to in Article 16 of the Regulation.

(3) Under Article 15(5) of Regulation (EC) No 1260/1999, on the basis of the regional development plan submitted by the Member State and within the partnership established in accordance with Article 8 of that Regulation, the Commission is to take a decision on the single programming document, in agreement with the Member State concerned and in accordance with the procedures laid down in Articles 48 to 51.

(4) The German Government submitted to the Commission on 26 April 2000 an acceptable draft single programming document for the parts of Schleswig-Holstein fulfilling the conditions for Objective 2 pursuant to Article 4(1) of Regulation (EC) No 1260/1999 and the parts of Schleswig-Holstein qualifying for transitional support under Objective 2 pursuant to Article 6(2) of Regulation (EC) No 1260/1999. The draft contains the information listed in Article 16 of the Regulation, and in particular a description of the priorities selected and an indication of the financial contribution from the European Regional Development Fund (ERDF) and the European Social Fund (ESF).

(5) The date of submission of the draft which was considered acceptable by the Commission constitutes the date from which expenditure under the plan is eligible. Under Article 52(4) of Regulation (EC) No 1260/1999, as an acceptable plan was submitted on 26 April 2000, the date from which expenditure under the plan is eligible is 1 January 2000. Under Article 30(2) of the Regulation, it is necessary to lay down the final date for the eligibility of expenditure.

(6) The single programming document has been drawn up in agreement with the Member State concerned and within the partnership.

(7) The Commission has satisfied itself that the single programming document is in accordance with the principle of additionality.

(8) Under Article 10 of Regulation (EC) No 1260/1999, the Commission and the Member State are required to ensure, in a manner consistent with the principle of partnership, coordination between assistance from the Funds and from the EIB and other existing financial instruments.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

- (9) The financial contribution from the Community available over the entire period and its year-by-year breakdown are expressed in euro. The annual breakdown should be consistent with the relevant financial perspective. Under Article 7(7) of Regulation (EC) No 1260/1999, the Community contribution has already been indexed at a rate of 2 % per year. Under Article 7(7) and Article 44(2) of the Regulation, the Community contribution may be reviewed at mid-term, and not later than 31 March 2004, to take account of the effective level of inflation and the allocation of the performance reserve.
- (10) Provision must be made for adapting the financial allocations of the priorities of this single programming document within certain limits to actual requirements reflected by the pattern of implementation on the ground, in agreement with the Member State concerned,

HAS ADOPTED THIS DECISION:

Article 1

The single programming document for Community structural assistance under Objective 2 to the parts of Schleswig-Holstein in the Federal Republic of Germany, and to the parts qualifying for transitional support, pursuant to Article 6(2) of Regulation (EC) No 1260/1999, for the period 1 January 2000 to 31 December 2006 is hereby approved.

Article 2

1. In accordance with Article 19 of Regulation (EC) No 1260/1999, the single programming document includes the following elements:

- (a) the strategy and priorities for the joint action of the Structural Funds and the Member State; their specific quantified targets; the *ex ante* evaluation of the expected impact, including on the environmental situation, and the consistency of the priorities with the economic, social and regional policies and the employment strategy of the Federal Republic of Germany;

the priorities are as follows:

1. modernising the production base: technology and innovation;
2. strengthening the competitiveness of enterprises, especially SMEs: setting up and developing SMEs;
3. promoting local development: urban development, vocational training, environmental protection, tourism and culture;

4. improving regional competitiveness: logistical economy-related infrastructure;
 5. technical assistance;
- (b) a summary description of the measures planned to implement the priorities, including the information needed to check compliance with the State aid rules under Article 87 (ex Article 92) of the Treaty;
- (c) the indicative financing plan specifying for each priority and each year the financial allocation envisaged for the contribution from each Fund and indicating separately the funding planned for the regions receiving transitional support in respect of Objective 2 and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year for the single programming document is consistent with the relevant financial perspective;
- (d) the provisions for implementing the single programming document including designation of the managing authority, a description of the arrangements for managing the single programming document and the use to be made of global grants, a description of the systems for monitoring and evaluation, including the role of the Monitoring Committee and the arrangements for the participation of the partners in that Committee;
- (e) the *ex ante* verification of compliance with additionality and information on the transparency of financial flows;
- (f) information on the resources required for preparing, monitoring and evaluating the assistance.

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 831 107 257 for the whole period and the financial contribution from the Structural Funds at EUR 258 319 000.

The resulting requirement for national resources of EUR 245 361 055 from the public sector and EUR 327 427 202 from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments.

Article 3

1. The total assistance from the Structural Funds granted under the single programming document amounts to EUR 258 319 000.

The procedure for granting the financial assistance, including the financial contribution from the Funds for the various priorities included in the single programming document, is set out in the financing plan annexed to this Decision.

2. The indicative initial estimated breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: EUR 221 747 092
- ESF: EUR 36 571 908

3. During implementation of the financing plan, the total cost or Community financing of a given priority may be adjusted in agreement with the Member State by up to 25 % of the total Community contribution to the single programming document throughout the programme period, up to a maximum of EUR 30 million, without altering the total Community contribution referred to in paragraph 1.

Article 4

This Decision is without prejudice to the Commission's position on aid schemes falling within Article 87(1) (ex Article 92(1)) of the Treaty that are included in this assistance and which it has not yet approved. Submission of the application for assistance, the programme complement or a request for payment by the Member State does not replace the notification required by Article 88(3) (ex Article 93(3)) of the Treaty.

Community financing of State aid falling within Article 87(1) (ex Article 92(1)) of the Treaty, granted under aid schemes or in individual cases, requires prior approval by the Commission under Article 88(3) (ex Article 93(3)) of the Treaty, except where the aid falls under the *de minimis* rule or is exempted under an exemption regulation adopted by the Commission under Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 (*new Articles 87 and 88*) to certain categories of horizontal aid ⁽²⁾. In the absence of

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

such exemption or approval, aid is illegal and subject to the consequences set out in the procedural regulation for State aid, and its part-financing would be treated as an irregularity within the meaning of Articles 38 and 39 of Regulation (EC) No 1260/1999.

Consequently, the Commission will not accept requests for interim and final payments under Article 32 of the Regulation for measures being part-financed with new or altered aid, as defined in the procedural regulation for State aid, granted under aid schemes or in individual cases, until such aid has been notified to and formally approved by the Commission.

Article 5

The date from which expenditure shall be eligible is 1 January 2000. The closing date for the eligibility of expenditure shall be 31 December 2008. This date is extended to 30 April 2009 for expenditure incurred by bodies granting assistance under Article 9 point (l) of Regulation (EC) No 1260/1999. The closing date for the eligibility of expenditure in the regions qualifying for transitional support shall be 31 December 2007.

Article 6

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 25 July 2001.

For the Commission

Michel BARNIER

Member of the Commission

COMMISSION DECISION

of 25 July 2001

approving the single programming document for Community structural assistance in the areas of Hamburg eligible under Objective 2 in the Federal Republic of Germany*(notified under document number C(2001) 2009)***(Only the German text is authentic)**

(2002/396/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽¹⁾, and in particular Article 15(5) thereof,

After consulting the Committee on the Development and Conversion of Regions,

Whereas:

- (1) Articles 13 *et seq.* of Title II of Regulation (EC) No 1260/1999 lay down the procedure for preparing and implementing single programming documents.
- (2) Article 15(1) and (2) of Regulation (EC) No 1260/1999 provides that, after consultation with the partners referred to in Article 8 of the Regulation, the Member State may submit to the Commission a development plan which is treated as a draft single programming document, and which contains the information referred to in Article 16 of the Regulation.
- (3) Under Article 15(5) of Regulation (EC) No 1260/1999, on the basis of the regional development plan submitted by the Member State and within the partnership established in accordance with Article 8 of that Regulation, the Commission is to take a decision on the single programming document, in agreement with the Member State concerned and in accordance with the procedures laid down in Articles 48 to 51.
- (4) The German Government submitted to the Commission on 8 June 2000 an acceptable draft single programming document for the areas of Hamburg fulfilling the conditions for Objective 2 pursuant to Article 4(1) of

Regulation (EC) No 1260/1999. The draft contains the information listed in Article 16 of the Regulation, and in particular a description of the priorities selected and an indication of the financial contribution from the European Regional Development Fund (ERDF).

- (5) The date of submission of the draft which was considered acceptable by the Commission constitutes the date from which expenditure under the plan is eligible. Under Article 30 of the Regulation, it is necessary to lay down the final date for the eligibility of expenditure.
- (6) The rural development measures to be financed by the EAGGF are governed, in particular as regards their compatibility and consistency with common agricultural policy measures, by Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) ⁽²⁾.
- (7) The single programming document has been drawn up in agreement with the Member State concerned and within the partnership.
- (8) The Commission has satisfied itself that the single programming document is in accordance with the principle of additionality.
- (9) Under Article 10 of Regulation (EC) No 1260/1999, the Commission and the Member State are required to ensure, in a manner consistent with the principle of partnership, coordination between assistance from the Funds and from the EIB and other existing financial instruments.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

- (10) The financial contribution from the Community available over the entire period and its year-by-year breakdown are expressed in euro. The annual breakdown should be consistent with the relevant financial perspective. Under Article 7(7) of Regulation (EC) No 1260/1999, the Community contribution has already been indexed at a rate of 2 % per year. Under Article 7(7) and Article 44(2) of the Regulation, the Community contribution may be reviewed at mid-term, and not later than 31 March 2004, to take account of the effective level of inflation and the allocation of the performance reserve.
- (11) Provision should be made for adapting the financial allocations of the priorities of this single programming document within certain limits to actual requirements reflected by the pattern of implementation on the ground, in agreement with the Member State concerned,
- (c) the indicative financing plan specifying for each priority and each year the maximum financial allocation envisaged for the contribution from each Fund — including, for information, the total amount from the EAGGF Guarantee Section and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year is consistent with the relevant financial perspective;
- (d) the provisions for implementing the single programming document including designation of the managing authority, a description of the arrangements for managing the single programming document and the use to be made of global grants, a description of the systems for monitoring and evaluation, including the role of the Monitoring Committee and the arrangements for the participation of the partners in that Committee;

HAS ADOPTED THIS DECISION:

Article 1

The single programming document for Community structural assistance under Objective 2 in the regions of Hamburg in the Federal Republic of Germany for the period 1 January 2000 to 31 December 2006 is hereby approved.

Article 2

1. In accordance with Article 19 of Regulation (EC) No 1260/1999, the single programming document includes the following elements:

- (a) the strategy and priorities selected for the joint action of the Structural Funds and the Member State; their specific quantified targets; the *ex ante* evaluation of the expected impact, particularly on the environment, and the consistency of the priorities with the economic, social and regional policies and the employment strategy of the Federal Republic of Germany;

the priorities are as follows:

1. support for entrepreneurial activity as a basis for creating and safeguarding jobs;
2. technical assistance;

- (b) a summary description of the measures planned to implement the priorities, including the information needed to check compliance with the State aid rules under Article 87 of the Treaty;

- (e) the *ex ante* verification of compliance with additionality and information on the transparency of financial flows;
- (f) information on the resources required for preparing, monitoring and evaluating the assistance.

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 12 384 000 for the whole period and the financial contribution from the Structural Funds at EUR 6 192 000.

The resulting requirement for national resources of EUR 6 192 000 from the public sector can be partly met by Community loans from the European Investment Bank and other lending instruments.

Article 3

1. The total assistance from the Structural Funds granted under this Decision amounts to EUR 6 192 000 for the ERDF.

2. The procedure for granting the financial assistance, including the financial contribution from the ERDF for the various priorities included in the single programming document, is set out in the financing plan annexed to this Decision.

3. During implementation of the financing plan, the total cost or Community financing of a given priority may be adjusted in agreement with the Member State by up to 25 % of the total contribution from the Fund to the single programming document throughout the programme period, up to a maximum of EUR 30 million, without altering the total Community contribution referred to in paragraph 1.

Article 4

This Decision is without prejudice to the Commission's position on aid schemes falling within Article 87(1) of the Treaty that are included in this assistance but which it has not yet approved. Submission of the application for assistance, the programme complement or a request for payment by the Member State does not replace the notification required by Article 88(3) of the Treaty.

Community financing of State aid falling within Article 87(1) of the Treaty, granted under aid schemes or in individual cases, requires prior approval by the Commission under Article 88(3) of the Treaty, except where the aid falls under the *de minimis* rule or is exempted under an exemption regulation adopted by the Commission under Council Regulation (EC) No 994/98 on the application of Articles 92 and 93 (now Articles 87 and 88) to certain categories of horizontal State aid⁽³⁾. In the absence of such exemption or approval, aid is illegal and subject to the consequences set out in the procedural regulation

for state aid. Part-financing of such aid would be treated as an irregularity within the meaning of Articles 38 and 39 of Regulation (EC) No 1260/1999.

Consequently, the Commission will not accept requests for interim and final payments under Article 32 of the Regulation for measures being part-financed with new or altered aid, as defined in the procedural regulation for State aid, granted under aid schemes or in individual cases, until such aid has been notified to and formally approved by the Commission.

Article 5

The date from which expenditure shall be eligible is 8 June 2000. The closing date for the eligibility of expenditure shall be 31 December 2008. This date is extended to 30 April 2009 for expenditure incurred by bodies granting assistance under Article 9(l) of Regulation (EC) No 1260/1999.

Article 6

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 25 July 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽³⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 3 December 2001

approving the single programming document for Community structural assistance under Objective 2 in parts of Berlin in Germany

(notified under document number C (2001) 3852)

(Only the German text is authentic)

(2002/397/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽¹⁾, and in particular Article 15(5) thereof,

After consulting the Committee on the Development and Conversion of Regions and the Committee pursuant to Article 147 of the Treaty,

Whereas:

(1) Articles 13 *et seq.* of Title II of Regulation (EC) No 1260/1999 lay down the procedure for preparing and implementing single programming documents.

(2) Article 15(1) and (2) of Regulation (EC) No 1260/1999 provides that, after consultation with the partners referred to in Article 8 of the Regulation, the Member State may submit to the Commission a development plan which is treated as a draft single programming document, and which contains the information referred to in Article 16 of the Regulation.

(3) Under Article 15(5) of Regulation (EC) No 1260/1999, on the basis of the regional development plan submitted by the Member State and within the partnership established in accordance with Article 8 of that Regulation, the Commission is to take a decision on the single programming document, in agreement with the Member State concerned and in accordance with the procedures laid down in Articles 48 to 51.

(4) The German Government submitted to the Commission on 23 June 2000 an acceptable draft single programming document for the parts of the *Land* of Berlin fulfilling the conditions for Objective 2 pursuant to Article 4(1) and those qualifying for transitional support under Objective 2 pursuant to Article 6(2) of Regulation (EC) No 1260/1999. The draft contains the information listed in Article 16 of the Regulation, and in particular a description of the priorities selected and an indication of the financial contribution from the European Regional Development Fund (ERDF) and the European Social Fund (ESF).

(5) The date of submission of the draft which was considered acceptable by the Commission constitutes the date from which expenditure under the plan is eligible. Under the first subparagraph of Article 30(2) of Regulation (EC) No 1260/1999, as an acceptable plan was submitted on 23 June 2000, the date from which expenditure under the plan is eligible is 23 June 2000. Under the second subparagraph of Article 30 of the Regulation, it is necessary to lay down the final date for the eligibility of expenditure.

(6) The single programming document has been drawn up in agreement with the Member State concerned and within the partnership.

(7) The Commission has satisfied itself that the single programming document is in accordance with the principle of additionality.

(8) Under Article 10 of Regulation (EC) No 1260/1999, the Commission and the Member State are required to ensure, in a manner consistent with the principle of partnership, coordination between assistance from the Funds and from the EIB and other existing financial instruments.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

- (9) The financial contribution from the Community available over the entire period and its year-by-year breakdown are expressed in euro. The annual breakdown should be consistent with the relevant financial perspective. Under Article 7(7) of Regulation (EC) No 1260/1999, the Community contribution has already been indexed at a rate of 2 % per year. Under Article 7(7) and Article 44(2) of the Regulation, the Community contribution may be reviewed at mid-term, and not later than 31 March 2004, to take account of the effective level of inflation and the allocation of the performance reserve.
- (10) Provision should be made for adapting the financial allocations of the priorities of this single programming document within certain limits to actual requirements reflected by the pattern of implementation on the ground, in agreement with the Member State concerned,
- (b) a summary description of the measures planned to implement the priorities, including the information needed to check compliance with the State aid rules under Article 87 of the Treaty;
- (c) the indicative financing plan specifying for each priority and each year the financial allocation envisaged for the contribution from each Fund and indicating separately the funding planned for the regions receiving transitional support in respect of Objective 2 and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year for the single programming document is consistent with the relevant financial perspective;
- (d) the provisions for implementing the single programming document including designation of the managing authority, a description of the arrangements for managing the single programming document and the use to be made of global grants, a description of the systems for monitoring and evaluation, including the role of the Monitoring Committee and the arrangements for the participation of the partners in that Committee;

HAS ADOPTED THIS DECISION:

Article 1

The single programming document for Community structural assistance in the parts of Berlin eligible under Objective 2 and in those qualifying for transitional support under Article 2 pursuant to Article 6(2) of Regulation (EC) No 1260/1999 for the period 1 January 2000 to 31 December 2006 is hereby approved. European Regional Development Fund resources shall be available to regions qualifying for transitional support from 1 January 2000 to 31 December 2005.

Article 2

1. In accordance with Article 19 of Regulation (EC) No 1260/1999, the single programming document includes the following elements:

- (a) the strategy and priorities for the joint action of the Structural Funds and the Member State; their specific quantified targets; the *ex ante* evaluation of the expected impact, including on the environmental situation, and the consistency of the priorities with the economic, social and regional policies and the employment strategy of Germany;

the priorities are as follows:

1. making businesses, especially small and medium-sized ones, more competitive;
2. infrastructure measures;
3. protection and improvement of the environment;
4. technical assistance;

- (e) the *ex ante* verification of compliance with additionality and information on the transparency of financial flows;
- (f) information on the resources required for preparing, monitoring and evaluating the assistance.

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 1 179 189 000 for the whole period and the financial contribution from the Structural Funds at EUR 384 449 000.

The resulting requirement for national resources of EUR 384 727 000 from the public sector and EUR 410 013 000 from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments.

Article 3

1. The procedure for granting the financial assistance, including the financial contribution from the Funds for the various priorities included in the single programming document, is set out in the financing plan annexed to this Decision.

2. The indicative initial estimated breakdown among the Structural Funds of the total Community assistance available is as follows:

- ERDF: EUR 244 125 000
- ESF: EUR 140 324 000

3. During implementation of the financing plan, the total cost or Community financing of a given priority may be adjusted in agreement with the Member State by up to 25 % of the total Community contribution to the single programming document throughout the programme period, up to a maximum of EUR 30 million, without altering the total Community contribution referred to in paragraph 1.

Article 4

This Decision is without prejudice to the Commission's position on aid schemes falling within Article 87(1) of the Treaty that are included in this assistance and which it has not yet approved. Submission of the application for assistance, the programme complement or a request for payment by the Member State does not replace the notification required by Article 88(3) of the Treaty.

Community financing of State aid falling within Article 87(1) of the Treaty, granted under aid schemes or in individual cases, requires prior approval by the Commission under Article 88(3) of the Treaty, except where the aid falls under the *de minimis* rule or is exempted under an exemption regulation adopted by the Commission under Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 (now 87 and 88) of the Treaty establishing the European Community to certain categories of horizontal State aid⁽²⁾. In the absence of such exemption or approval, aid is illegal and subject to the consequences set out in the procedural regulation for State aid,

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

and its part-financing would be treated as an irregularity within the meaning of Articles 38 and 39 of Regulation (EC) No 1260/1999.

Consequently, the Commission will not accept requests for interim and final payments under Article 32 of the Regulation for measures being part-financed with new or altered aid, as defined in the procedural regulation for State aid, granted under aid schemes or in individual cases, until such aid has been notified to and formally approved by the Commission.

Article 5

The date from which expenditure shall be eligible is 23 June 2000. The closing date for the eligibility of expenditure shall be 31 December 2008. This date is extended to 30 April 2009 for expenditure incurred by bodies granting assistance under Article 9(i) of Regulation (EC) No 1260/1999. The closing date for the eligibility of expenditure in the regions receiving transitional support shall be 31 December 2007.

Article 6

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 3 December 2001.

For the Commission

Michel BARNIER

Member of the Commission