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II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 19 June 2000

approving the Community Support Framework for Community structural assistance in the regions falling under Objective 1 or qualifying for transitional support under Objective 1 in Germany

(notified under document number C(2000) 1475)

(Only the German text is authentic)

(2002/418/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(4) thereof,

After consulting the Committee on the Development and Conversion of Regions, the Committee pursuant to Article 147 of the Treaty, the Committee on Agricultural Structures and Rural Development and the Committee on Structures for Fisheries and Aquaculture,

Whereas:

- (1) Articles 13 *et seq.* of Title II of Regulation (EC) No 1260/1999 lay down the procedure for preparing and implementing Community Support Frameworks.
- (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 containing the information referred to in Article 16 of the Regulation.

- (3) Under Article 15(4) 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 draw up a Community Support Framework for Community structural assistance in agreement with the Member State concerned.

- (4) The German Government submitted to the Commission on 5 November 1999 the regional development plan for the regions fulfilling the conditions for Objective 1 pursuant to Article 3(1) and the regions qualifying for transitional support under Objective 1 pursuant to the first and second subparagraphs of Article 6(1) of Regulation (EC) No 1260/1999. The plan 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), the European Social Fund (ESF), the European Agricultural Guidance and Guarantee Fund (EAGGF) Guidance Section, the Financial Instrument for Fisheries Guidance (FIFG), and the other financial instruments proposed for implementing the plan.

- (5) The Community Support Framework has been drawn up in agreement with the Member State concerned and within the partnership.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

- (6) The Commission has satisfied itself that the Community Support Framework is in accordance with the principle of additionality.
- (7) 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.
- (8) The EIB has been involved in drawing up the Community Support Framework in accordance with Article 15(4) of Regulation (EC) No 1260/1999 and has stated that it is prepared, in compliance with its articles of association, to contribute towards implementing the Framework.
- (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 and operations of this Community Support Framework 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 Community Support Framework for Community structural assistance in the regions falling under Objective 1 or qualifying for transitional support under Objective 1 in Germany for the period 1 January 2000 to 31 December 2006 is hereby approved.

Article 2

1. In accordance with Article 17 of Regulation (EC) No 1260/1999, the Community Support Framework includes the following elements:

- (a) the 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 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 competitiveness in trade and industry, particularly among small and medium-sized enterprises;
 - 2. infrastructure measures;
 - 3. protecting and improving the environment;
 - 4. promoting human resources and equal opportunities;
 - 5. promoting rural development and fisheries;
 - 6. technical assistance;
- (b) an overview of the operational programmes to be implemented, including their specific aims and the priorities selected;
 - (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 1 and the total amounts of eligible public or equivalent expenditure and estimated private funding from within the Member State.
- The total contribution from the Funds planned for each year for the Community Support Framework is consistent with the relevant financial perspective;
- (d) the provisions for implementing the Community Support Framework including designation of the managing authority and the arrangements for the participation of the partners in the Monitoring Committees;
 - (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 Community Support Framework and the operational programmes.

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 51 515 218 947 for the whole period and the financial contribution from the Structural Funds at EUR 20 707 000 000.

The resulting requirement for national resources of EUR 13 080 780 637 from the public sector and EUR 17 727 438 310 from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments.

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

ERDF	EUR 11 291 183 232
ESF	EUR 5 863 937 494
EAGGF, Guidance Section	EUR 3 446 601 574
FIFG	EUR 105 277 700

25 % of the total Community contribution throughout the programming period, up to a maximum of EUR 60 million, without altering the total Community contribution referred to in paragraph 1.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 19 June 2000.

3. During implementation of the financing plan, the total cost or Community financing of a given priority or operation may be adjusted in agreement with the Member State by up to

For the Commission

Michel BARNIER

Member of the Commission

COMMISSION DECISION

of 30 October 2000

approving the single programming document for Community structural assistance under Objective 1 in the region of Réunion, France*(notified under document number C(2000) 2578)***(Only the French text is authentic)**

(2002/419/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, the Committee pursuant to Article 147 of the Treaty, the Committee on Agricultural Structures and Rural Development and the Committee on Structures for Fisheries and Aquaculture,

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 French Government submitted to the Commission on 17 December 1999 an acceptable draft single programming document for Réunion fulfilling the conditions for Objective 1 pursuant to Article 6(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), the European Social Fund (ESF), the European Guidance and Guarantee Fund (EAGGF), Guidance Section, and the Financial Instrument for Fisheries Guidance (FIFG).

(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.

⁽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 EIB has been involved in drawing up the single programming document in accordance with the provisions of Article 15(5) of Regulation (EC) No 1260/1999 and has declared itself prepared to contribute to its implementation in conformity with its statutory provisions.

(11) 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.

(12) 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 1 in the region of Réunion, France 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 France.

The priorities are as follows:

1. supporting economic development which generates permanent jobs;
2. implementing a pro-active spatial planning policy;
3. far-sighted and sustainable management of natural resources and wealth;
4. developing infrastructure for training and education;
5. opening up Réunion to the outside world;
6. placement and combating exclusion;
7. life-long training and learning
8. support and engineering;
9. planning and rural development;
10. structures of agricultural holdings and production;

(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 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 2 878 203 667 for the whole period and the financial contribution from the Structural Funds at EUR 1 516 003 000.

The resulting requirement for national resources of EUR 949 003 667 from the public sector and EUR 413 197 000 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 1 516 003 000, after deduction of EUR 750 000 for technical assistance at the initiative of the Commission.

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 743 049 000
ESF	EUR 457 153 000
EAGGF Guidance Section	EUR 300 213 000
FIFG	EUR 15 588 000

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 60 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 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⁽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.

Notwithstanding the above subparagraphs, assistance for rural development part-financed by the EAGGF will be governed by Articles 51 and 52 of Regulation (EC) No 1257/1999.

Article 5

The date from which expenditure shall be eligible is 17 December 1999. 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 French Republic.

Done at Brussels, 30 October 2000.

For the Commission

Michel BARNIER

Member of the Commission

⁽³⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 9 November 2000

approving the single programming document for Community structural assistance under Objective 2 in Denmark*(notified under document number C(2000) 2824)***(Only the Danish text is authentic)**

(2002/420/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 Danish Government submitted to the Commission on 11 April 2000 an acceptable draft single programming document for the regions of Denmark 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), the European Social Fund (ESF) and the other financial instruments proposed for implementing the plan.

- (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.
- (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 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 Denmark eligible under Objective 2 and in those regions qualifying for transitional support under Objectives 2 and 5(b) for the periods 1 January 2000 to 31 December 2006 and 1 January 2000 to 31 December 2005 respectively 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 Denmark;

The priorities are as follows:

1. development of the region, with particular emphasis on infrastructure;
2. development of businesses, especially small and medium-sized ones;
3. development of skills, development of human resources;
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 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 the other financial instruments 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 the transparency of financial flows.

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 617 017 949 for the whole period and the financial contribution from the Structural Funds at EUR 189 000 000.

The resulting requirement for national resources of EUR 205 574 356 from the public sector and EUR 222 443 593 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 189 000 000.

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 134 146 177
ESF	EUR 54 853 823

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 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.

Article 6

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 9 November 2000.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 17 November 2000

approving the single programming document for Community structural assistance in the areas of Corsica in France qualifying for transitional support under Objective 1*(notified under document number C(2000) 3243)***(Only the French text is authentic)**

(2002/421/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, the Committee pursuant to Article 147 of the Treaty and the Committee on Agricultural Structures and Rural Development,

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 French Government submitted to the Commission on 31 December 1999 an acceptable draft single programming document for the areas of Corsica qualifying for transitional support under Objective 1 pursuant to Article 6(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), the European Social Fund (ESF), the European Guidance and Guarantee Fund (EAGGF), Guidance Section, and the Financial Instrument for Fisheries Guidance (FIFG).

- (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 EIB has been involved in drawing up the single programming document in accordance with the provisions of Article 15(5) of Regulation (EC) No 1260/1999 and has declared itself prepared to contribute to its implementation in conformity with its statutory provisions.
- (11) 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.
- (12) 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,
3. developing agricultural products;
 4. developing fisheries products;
 5. promoting social cohesion and women and men;
 6. promoting the area and local approaches to development;
 7. 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 and indicating separately the funding planned for the regions receiving transitional support 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 providing transitional support under Objective 1 in the region of Corsica in France 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 France.

The priorities are as follows:

1. consolidating the bases for development;
2. working for the future with those engaged in development;

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 365 624 649 for the whole period and the financial contribution from the Structural Funds at EUR 181 000 000.

The resulting requirement for national resources of EUR 123 797 484 from the public sector and EUR 60 827 165 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 181 000 000.

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 122 007 050
ESF	EUR 22 608 189
EAGGF Guidance Section	EUR 34 098 026
FIFG	EUR 2 286 735

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 60 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 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⁽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.

Notwithstanding the above subparagraphs, assistance for rural development part-financed by the EAGGF will be governed by Articles 51 and 52 of Regulation (EC) No 1257/1999.

Article 5

The date from which expenditure shall be eligible is 31 December 1999. 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 French Republic.

Done at Brussels, 17 November 2000.

For the Commission

Michel BARNIER

Member of the Commission

⁽³⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 23 November 2000

approving the single programming document for Community structural assistance under Objective 1 in the region of Guadeloupe in France*(notified under document number C(2000) 3251)***(Only the French text is authentic)**

(2002/422/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, the Committee pursuant to Article 147 of the Treaty, the Committee on Agricultural Structures and Rural Development and the Committee on Structures for Fisheries and Aquaculture,

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 French Government submitted to the Commission on 10 January 2000 an acceptable draft single programming document for the areas of Guadeloupe qualifying for transitional support under Objective 1 pursuant to Article 6(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), the European Social Fund (ESF), the European Guidance and Guarantee Fund (EAGGF), Guidance Section, and the Financial Instrument for Fisheries Guidance (FIFG).

- (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 EIB has been involved in drawing up the single programming document in accordance with the provisions of Article 15(5) of Regulation (EC) No 1260/1999 and has declared itself prepared to contribute to its implementation in conformity with its statutory provisions.
- (11) 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.
- (12) 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 1 in the region of Guadeloupe in France 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 France.

The priorities are as follows:

1. the productive environment and the transfer of technology;
2. tourism;
3. agriculture;
4. fisheries;

5. human resources;
 6. social cohesion;
 7. the environment and living conditions;
 8. transport and trade;
 9. development of the islands and rural areas;
 10. regional cooperation;
- (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 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 1 986 388 977 for the whole period and the financial contribution from the Structural Funds at EUR 808 545 000.

The resulting requirement for national resources of EUR 924 717 630 from the public sector and EUR 253 126 347 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 808 545 000, after deduction of EUR 390 000 for technical assistance at the initiative of the Commission.

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 497 554 337
ESF	EUR 164 656 220
EAGGF Guidance Section	EUR 140 175 197
FIFG	EUR 6 159 246

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 60 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 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 ⁽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.

Notwithstanding the above subparagraphs, assistance for rural development part-financed by the EAGGF will be governed by Articles 51 and 52 of Regulation (EC) No 1257/1999.

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 French Republic.

Done at Brussels, 23 November 2000.

For the Commission

Michel BARNIER

Member of the Commission

⁽³⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 21 December 2000

approving the single programming document for Community structural assistance under Objective 1 in the region of Martinique in France*(notified under document number C(2001) 3493)***(Only the French text is authentic)**

(2002/423/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, the Committee pursuant to Article 147 of the Treaty and the Committee on Agricultural Structures and Rural Development,

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 French Government submitted to the Commission on 10 January 2000 an acceptable draft single programming document for Martinique fulfilling the conditions for Objective 1 pursuant to Article 6(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), the European Social Fund (ESF), the European Guidance and Guarantee Fund (EAGGF), Guidance Section, and the Financial Instrument for Fisheries Guidance (FIFG).

- (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 EIB has been involved in drawing up the single programming document in accordance with the provisions of Article 15(5) of Regulation (EC) No 1260/1999 and has declared itself prepared to contribute to its implementation in conformity with its statutory provisions.
- (11) 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.
- (12) 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,
4. fisheries and aquaculture;
 5. the development of new financial instruments;
 6. new information and communications technologies — transfer of technology and innovation;
 7. equal opportunities for men and women;
 8. employment, vocational training and placement;
 9. culture and health;
 10. the environment;
 11. transport;
 12. urban policies;
 13. regional cooperation;
 14. 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 and indicating separately the funding planned for the regions receiving transitional support 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 under Objective 1 in the region of Martinique in France 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 France. The priorities are as follows:

1. tourism;
2. industry, trade, craft industries and services;
3. agriculture and forestry;

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 1 681 224 000 for the whole period and the financial contribution from the Structural Funds at EUR 673 783 000.

The resulting requirement for national resources of EUR 762 549 000 from the public sector and EUR 244 892 000 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 673 783 000, after deduction of EUR 330 000 for technical assistance at the initiative of the Commission.

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 443 775 000
ESF	EUR 121 019 000
EAGGF Guidance Section	EUR 99 864 000
FIFG	EUR 9 125 000

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 60 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 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⁽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.

Notwithstanding the above subparagraphs, assistance for rural development part-financed by the EAGGF will be governed by Articles 51 and 52 of Regulation (EC) No 1257/1999.

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 French Republic.

Done at Brussels, 21 December 2000.

For the Commission

Michel BARNIER

Member of the Commission

⁽³⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 29 December 2000

approving the single programming document for Community structural assistance under Objective 1 in the region of French Guiana in France*(notified under document number C(2000) 3438)***(Only the French text is authentic)**

(2000/424/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, the Committee pursuant to Article 147 of the Treaty, the Committee on Agricultural Structures and Rural Development and the Committee on Structures for Fisheries and Aquaculture,

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 French Government submitted to the Commission on 10 January 2000 an acceptable draft single programming document for French Guiana fulfilling the conditions for Objective 1 pursuant to Article 6(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), the European Social Fund (ESF), the European Guidance and Guarantee Fund (EAGGF), Guidance Section, and the Financial Instrument for Fisheries Guidance (FIFG).

- (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 EIB has been involved in drawing up the single programming document in accordance with the provisions of Article 15(5) of Regulation (EC) No 1260/1999 and has declared itself prepared to contribute to its implementation in conformity with its statutory provisions.
- (11) 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.
- (12) 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,
3. promoting regional cooperation as a factor of growth;
 4. supporting population dynamics through training facilities;
 5. promoting employability, skills and mobility through vocational training;
 6. expanding advanced training and research by establishing a university centre responsive to its surroundings;
 7. developing a model of social integration;
 8. promoting employment and combating exclusion;
 9. promoting culture and restoring assets;
 10. developing basic infrastructure to improve access;
 11. promoting planning policy and environmental improvement;
 12. spatial rebalancing of public measures and local development;

HAS ADOPTED THIS DECISION:

Article 1

The single programming document for Community structural assistance under Objective 1 in the region of French Guiana in France 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 France. The priorities are as follows:
 1. creating wealth and employment;
 2. providing the instruments required to finance the economy and stimulate economic projects;
- (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 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 730 448 887 for the whole period and the financial contribution from the Structural Funds at EUR 370 582 000.

The resulting requirement for national resources of EUR 273 648 582 from the public sector and EUR 86 218 305 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 370 582 000, after deduction of EUR 180 000 for technical assistance at the initiative of the Commission.

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 224 230 943
ESF	EUR 75 919 611
EAGGF Guidance Section	EUR 62 808 995
FIFG	EUR 7 622 451

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 60 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 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⁽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.

Notwithstanding the above subparagraphs, assistance for rural development part-financed by the EAGGF will be governed by Articles 51 and 52 of Regulation (EC) No 1257/1999.

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 French Republic.

Done at Brussels, 29 December 2000.

For the Commission

Michel BARNIER

Member of the Commission

⁽³⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 15 February 2001

approving the single programming document for Community structural assistance under Objective 2 in Catalonia*(notified under document number C(2001) 225)***(Only the Spanish text is authentic)**

(2002/425/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:

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).

(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 Spanish Government submitted to the Commission on 28 April 2000 an acceptable draft single programming document for areas of Catalonia fulfilling the conditions for Objective 2 pursuant to Article 4(1) and Article 6(2) of Regulation (EC) No 1260/1999. The draft

(5) 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.

(9) The EIB has been involved in drawing up the single programming document in accordance with the provisions of Article 15(5) of Regulation (EC) No 1260/1999 and has declared itself prepared to contribute to its implementation in conformity with its statutory provisions.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

(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 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 Catalonia 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 Spain;

the priorities are as follows:

1. improving competitiveness and employment and development of the fabric of production;
2. environment, natural surroundings and water resources;
3. knowledge society (innovation, R & D, information society);
4. development of communications and energy networks;
5. local and urban development;
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 and indicating separately the funding planned for the regions receiving transitional support 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, 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 2 651 661 105 for the whole period and the financial contribution from the Structural Funds at EUR 1 235 487 527.

The resulting requirement for national resources of EUR 1 416 173 578 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 the single programming document amounts to EUR 1 235 487 527. Of that amount, EUR 180 790 810 will be paid immediately and EUR 179 679 757 will be suspended until the Commission adopts the decision to carry over those appropriations pursuant to the first indent of Article 7(2a) 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 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 978 628 216
ESF	EUR 256 859 311

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 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 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 Kingdom of Spain.

Done at Brussels, 15 February 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 15 February 2001

approving the single programming document for Community structural assistance under Objective 2 in the Balearic Islands*(notified under document number C(2001) 229)***(Only the Spanish text is authentic)**

(2002/426/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 Spanish Government submitted to the Commission on 28 April 2000 an acceptable draft single programming document for the areas of the Balearic Islands fulfilling the conditions for Objective 2 pursuant to Article 4(1) and 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 descrip-

tion 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) 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.
- (9) The EIB has been involved in drawing up the single programming document in accordance with the provisions of Article 15(5) of Regulation (EC) No 1260/1999 and has declared itself prepared to contribute to its implementation in conformity with its statutory provisions.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

- (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 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 Balearic Islands 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 Spain;

The priorities are as follows:

1. improving competitiveness and employment and development of the fabric of production;
2. environment, natural surroundings and water resources;
3. knowledge society (innovation, R & D, information society);
4. development of communications and energy networks;
5. local and urban development;
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, indicating separately the funding planned for the regions receiving transitional support, 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, 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 186 086 390 for the whole period and the financial contribution from the Structural Funds at EUR 90 463 619.

The resulting requirement for national resources of EUR 95 622 771 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 the single programming document amounts to EUR 90 463 619. Of that amount, EUR 13 508 756 will be paid immediately and EUR 13 572 414 will be suspended until the Commission adopts the decision to carry over those appropriations pursuant to the first indent of Article 7(2a) 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 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 86 225 431
ESF	EUR 4 238 188

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 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 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 Kingdom of Spain.

Done at Brussels, 15 February 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 15 February 2001

approving the single programming document for Community structural assistance under Objective 2 in the region of Navarre in Spain*(notified under document number C(2001) 230)***(Only the Spanish text is authentic)**

(2002/427/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 Spanish Government submitted to the Commission on 28 April 2000 an acceptable draft Single Programming Document for the areas of Navarre fulfilling the conditions for Objective 2 pursuant to Article 4(1) and 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) 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.
- (9) The EIB has been involved in drawing up the single programming document in accordance with the provisions of Article 15(5) of Regulation (EC) No 1260/1999 and has declared itself prepared to contribute to its implementation in conformity with its statutory provisions.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

(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 up until 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 region of Navarre in Spain 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 Spain;

The priorities are as follows:

1. improving competitiveness and employment and development of the fabric of production;
2. the environment, natural surroundings and water resources;
3. knowledge society (innovation, R & D, information society);
4. development of communications and energy networks;
5. local and urban development;
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 and indicating separately the funding planned for the areas receiving transitional support 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, 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 single programming document.

2. The indicative financing plan puts the total cost of the priorities selected for joint action by the Community and the Member State at EUR 195 700 946 for the whole period and the financial contribution from the Structural Funds at EUR 90 591 032.

The resulting requirement for national resources of EUR 105 109 914 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 the single programming document amounts to EUR 90 591 032. Of that amount, EUR 13 750 190 will be paid immediately and EUR 13 932 912 will be suspended until the Commission adopts the decision to carry over those appropriations pursuant to the first indent of Article 7(2a) 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 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 86 458 649
ESF	EUR 4 132 383.

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 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 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 Kingdom of Spain.

Done at Brussels, 15 February 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 15 February 2001

approving the single programming document for Community structural assistance under Objective 2 in the region of Aragon*(notified under document C(2001) 231)***(Only the Spanish text is authentic)**

(2002/428/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:

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).

(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 Spanish Government submitted to the Commission on 28 April 2000 an acceptable draft single programming document for the areas of Aragon fulfilling the conditions for Objective 2 pursuant to Article 4(1) and Article 6(2) of Regulation (EC) No 1260/1999. The draft

(5) 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.

(9) The EIB has been involved in drawing up the single programming document in accordance with the provisions of Article 15(5) of Regulation (EC) No 1260/1999 and has declared itself prepared to contribute to its implementation in conformity with its statutory provisions.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

- (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 up until 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 region of Aragon 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 Spain;

the priorities are as follows;

1. increasing competitiveness and employment and developing the productive fabric;
2. the environment, natural surroundings and water resources;
3. the knowledge society (innovation, R & D, the information society);
4. the development of communications and energy networks,
5. local and urban development,
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 and indicating separately the funding planned for the areas receiving transitional support 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, 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 single programming document.

2. The indicative financing plan puts the total cost of the priorities selected for joint action by the Community and the Member State at EUR 629 302 155 for the whole period and the financial contribution from the Structural Funds at EUR 306 262 564.

The resulting requirement for national resources of EUR 323 039 591 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 the single programming document amounts to EUR 306 262 564. Of that amount, EUR 44 716 470 will be paid immediately and EUR 44 387 876 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 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 291 401 934
ESF	EUR 14 860 630.

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 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 the 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 Kingdom of Spain.

Done at Brussels, 15 February 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 7 March 2001

approving the single programming document for Community structural assistance under Objective 2 in the region of La Rioja in Spain*(notified under document number C(2001) 250)***(Only the Spanish text is authentic)**

(2002/429/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 Spanish Government submitted to the Commission on 28 April 2000 an acceptable draft single programming document for the areas of La Rioja fulfilling the conditions for Objective 2 pursuant to Article 4(1) and 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) 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.

(9) The EIB has been involved in drawing up the single programming document in accordance with the provisions of Article 15(5) of Regulation (EC) No 1260/1999 and has declared itself prepared to contribute to its implementation in conformity with its statutory provisions.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

- (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 up until 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 region of La Rioja in Spain 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 Spain;

The priorities are as follows:

1. improving competitiveness and employment and development of the fabric of production;
2. the environment, natural surroundings and water resources;
3. knowledge society (innovation, R & D, information society);
4. development of communications and energy networks;
5. local and urban development;
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 and indicating separately the funding planned for the areas receiving transitional support 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, 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 single programming document.

2. The indicative financing plan puts the total cost of the priorities selected for joint action by the Community and the Member State at EUR 94 730 557 for the whole period and the financial contribution from the Structural Funds at EUR 42 641 672.

The resulting requirement for national resources of EUR 52 088 885 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 the single programming document amounts to EUR 42 641 672. Of that amount, EUR 6 205 420 will be paid immediately and EUR 6 148 672 will be suspended until the Commission adopts the decision to carry over those appropriations pursuant to the first indent of Article 7(2a) 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 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 40 562 359
ESF	EUR 2 079 313.

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 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 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 Kingdom of Spain.

Done at Brussels, 7 March 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 7 March 2001

approving the single programming document for Community structural assistance under Objective 2 in the Autonomous Community of Madrid in Spain*(notified under document number C(2001) 251)***(Only the Spanish text is authentic)**

(2002/430/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 Spanish Government submitted to the Commission on 28 April 2000 an acceptable draft single programming document for the areas of the Autonomous Community of Madrid fulfilling the conditions for Objective 2 pursuant to Article 4(1) and 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.
- (9) The EIB has been involved in drawing up the single programming document in accordance with the provisions of Article 15(5) of Regulation (EC) No 1260/1999 and has declared itself prepared to contribute to its implementation in conformity with its statutory provisions.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

- (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,
- (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 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 under Objective 2 in the Autonomous Community of Madrid in Spain 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 Spain;

The priorities are as follows:

1. improving competitiveness and employment and development of the fabric of production;
2. the environment, natural surroundings and water resources;
3. knowledge society (innovation, R & D, information society);
4. development of communications and energy networks;
5. local and urban development;
6. 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 795 389 973 for the whole period and the financial contribution from the Structural Funds at EUR 394 917 209.

The resulting requirement for national resources of EUR 400 472 764 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 the single programming document amounts to EUR 394 917 209. Of that amount, EUR 58 760 460 will be paid immediately and EUR 58 925 076 will be suspended until the Commission adopts the decision to carry over those appropriations pursuant to the first indent of Article 7(2a) 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 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 369 917 209
ESF	EUR 25 000 000.

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 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 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 Kingdom of Spain.

Done at Brussels, 7 March 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 7 March 2001

approving the single programming document for Community structural assistance under Objective 2 in the region of the Basque Country in Spain*(notified under document number C(2001) 252)***(Only the Spanish text is authentic)**

(2002/431/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 Spanish Government submitted to the Commission on 28 April 2000 an acceptable draft single programming document for the areas of the Basque Country fulfilling the conditions for Objective 2 pursuant to Article 4(1) and 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) 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.

(9) The EIB has been involved in drawing up the single programming document in accordance with the provisions of Article 15(5) of Regulation (EC) No 1260/1999 and has declared itself prepared to contribute to its implementation in conformity with its statutory provisions.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

- (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 up until 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 region of the Basque Country in Spain 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 Spain;

the priorities are as follows:

1. improving competitiveness and employment and development of the fabric of production;
2. the environment, natural surroundings and water resources;
3. knowledge society (innovation, R & D, information society);
4. development of communications and energy networks;
5. local and urban development;
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 and indicating separately the funding planned for the areas receiving transitional support 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, 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 single programming document.

2. The indicative financing plan puts the total cost of the priorities selected for joint action by the Community and the Member State at EUR 1 316 247 662 for the whole period and the financial contribution from the Structural Funds at EUR 587 636 377.

The resulting requirement for national resources of EUR 728 611 285 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 the single programming document amounts to EUR 587 636 377. Of that amount, EUR 85 267 894 will be paid immediately and EUR 84 353 293 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 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 558 855 222
ESF	EUR 28 781 155.

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 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 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 Kingdom of Spain.

Done at Brussels, 7 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 under Objective 2 in the region of Alsace in France*(notified under document number C(2001) 626)***(Only the French text is authentic)**

(2002/432/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, the Committee pursuant to Article 147 of the Treaty and the Committee on Agricultural Structures and Rural Development,

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 French Government submitted to the Commission on 28 April 2000 an acceptable draft single programming document for the region of Alsace fulfilling the conditions for Objective 2 pursuant to Article 4(1) and qualifying for transitional support under Objectives 2 and 5(b) pursuant to Article 6(2) of Regulation (EC) No 1260/1999. As permitted by Article 40(2) of 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⁾, the draft includes rural development measures other than those referred to in Article 35(1) of the Regulation. It also includes the information listed in Article 16 of Regulation (EC) No 1260/1999, in particular a description of the priorities selected and an indication of the financial contribution from the European Regional Development Fund (ERDF), the European Social Fund (ESF) and the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section.

- (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 in the case of the Structural Funds; in the case of the EAGGF Guarantee Section, Article 6 of Commission Regulation (EC) No 2603/1999 ⁽³⁾ provides that the expenditure is eligible only if it has actually been paid to the beneficiary after the date of submission of the programme. Under Article 30 of Regulation (EC) No 1260/1999, 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 Guarantee Section are governed, in particular as regards their compatibility and consistency with common agricultural policy measures, by Regulation (EC) No 1257/1999.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

⁽²⁾ OJ L 160, 26.6.1999 p. 80.

⁽³⁾ OJ L 316, 10.12.1999, p. 26.

- (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 EIB has been involved in drawing up the single programming document in accordance with the provisions of Article 15(5) of Regulation (EC) No 1260/1999 and has declared itself prepared to contribute to its implementation in conformity with its statutory provisions.
- (11) 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.
- (12) 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 region of Alsace in France eligible under Objective 2 and 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 France. The priorities are as follows:
1. implementing measures for the whole of the eligible area;
 2. supporting territorial approaches;
 3. developing human resources;
 4. rural development;
 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 and the other financial instruments, including 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.

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 340 271 767 for the whole period, the financial contribution from the Structural Funds at EUR 93 404 232 and that from the EAGGF Guarantee Section at EUR 16 284 000.

The resulting requirement for national resources of EUR 115 034 326 from the public sector and EUR 115 549 209 from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments.

3. The rate of part-financing by the EAGGF Guarantee Section for each rural development measure is given in the single programming document. The rate of part-financing by the EAGGF at the level of the sub-measure or action is given in the programme complement provided for in Article 19(4) of Regulation (EC) No 1260/1999 and shall be valid for at least one financial year.

Article 3

1. The total assistance from the Structural Funds granted under the single programming document amounts to EUR 93 404 232, to which the EAGGF Guarantee Section will contribute a further EUR 16 284 000.

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 81 315 232
ESF	EUR 12 089 000

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 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⁽⁴⁾. 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.

By way of derogation from the preceding paragraphs, Articles 51 and 52 of Regulation (EC) No 1257/1999 shall apply in the context of rural development part-financed by the EAGGF.

Article 5

The date from which expenditure shall be eligible is 1 January 2000 for the Structural Funds and 28 April 2000 for the EAGGF Guarantee Section.

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 area receiving transitional support shall be 31 December 2007.

⁽⁴⁾ OJ L 142, 14.5.1998, p. 1.

The final date for the EAGGF Guarantee Section to take account of payments made by the paying bodies under this programming document shall be 31 December 2006.

Done at Brussels, 22 March 2001.

Article 6

This Decision is addressed to the French Republic.

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 region of Auvergne in France*(notified under document number C(2001) 627)***(Only the French text is authentic)**

(2002/433/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, the Committee pursuant to Article 147 of the Treaty and the Committee on Agricultural Structures and Rural Development,

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 French Government submitted to the Commission on 28 April 2000 an acceptable draft single programming document for the region of Auvergne fulfilling the conditions for Objective 2 pursuant to Article 4(1) and qualifying for transitional support under Objectives 2 and 5(b) pursuant to Article 6(2) of Regulation (EC)

No 1260/1999. As permitted by Article 40(2) of 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⁾. The draft includes rural development measures other than those referred to in Article 35(1) of the Regulation. It also includes the information listed in Article 16 of Regulation (EC) No 1260/1999, in particular a description of the priorities selected and an indication of the financial contribution from the European Regional Development Fund (ERDF), the European Social Fund (ESF) and the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section.

- (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 in the case of the Structural Funds; in the case of the EAGGF Guarantee Section, Article 6 of Commission Regulation (EC) No 2603/1999 ⁽³⁾ provides that the expenditure is eligible only if it has actually been paid to the beneficiary after the date of submission of the programme. Under Article 30 of Regulation (EC) No 1260/1999, 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 Guarantee Section are governed, in particular as regards their compatibility and consistency with common agricultural policy measures, by Regulation (EC) No 1257/1999.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 316, 10.12.1999, p. 26.

- (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 EIB has been involved in drawing up the single programming document in accordance with the provisions of Article 15(5) of Regulation (EC) No 1260/1999 and has declared itself prepared to contribute to its implementation in conformity with its statutory provisions.
- (11) 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.
- (12) 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 region of Auvergne in France eligible under Objective 2 and 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 France. The priorities are as follows:
1. modernising and adapting the resources of the Auvergne;
 2. improving access to the Auvergne and raising its profile;
 3. the environment and spatial cohesion;
 4. cooperation within the Massif central;
 5. rural development (EAGGF Guarantee Section);
 6. technical assistance, communications and evaluation;
- (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 the other financial instruments, including 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.

Article 4

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 1 493 258 121 for the whole period, the financial contribution from the Structural Funds at EUR 299 564 423 and that from the EAGGF Guarantee Section at EUR 58 343 000.

The resulting requirement for national resources of EUR 630 982 451 from the public sector and EUR 504 368 247 from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments.

3. The rate of part-financing by the EAGGF Guarantee Section for each rural development measure is given in the single programming document. The rate of part-financing by the EAGGF at the level of the sub-measure or action is given in the programme complement provided for in Article 19(4) of Regulation (EC) No 1260/1999 and shall be valid for at least one financial year.

Article 3

1. The total assistance from the Structural Funds granted under the single programming document amounts to EUR 299 564 423, to which the EAGGF Guarantee Section will contribute a further EUR 58 343 000.

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 253 332 423
ESF	EUR 46 232 000

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.

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 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⁽⁴⁾. 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.

By way of derogation from the preceding paragraphs, Articles 51 and 52 of Regulation (EC) No 1257/1999 shall apply in the context of rural development part-financed by the EAGGF.

Article 5

The date from which expenditure shall be eligible is 1 January 2000 for the Structural Funds and 17 April 2000 for the EAGGF Guarantee Section.

⁽⁴⁾ OJ L 142, 14.5.1998, p. 1.

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 area receiving transitional support shall be 31 December 2007.

The final date for the EAGGF Guarantee Section to take account of payments made by the paying bodies

under this programming document shall be 31 December 2006.

Article 6

This Decision is addressed to the French Republic.

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 Objectives 1 and 2 to the National Computerisation Programme in France*(notified under document number C(2001) 652)***(Only the French text is authentic)**

(2002/434/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, the Committee pursuant to Article 147 of the Treaty and the Committee on Agricultural Structures and Rural Development,

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 French Government submitted to the Commission on 28 April 2000 an acceptable draft single programming document for the National Computerisation Programme, fulfilling the conditions for Objectives 1 and 2 pursuant to Articles 3(1) and 4(1) of Regulation (EC)

No 1260/1999 and qualifying for transitional support under Objectives 1 and 2 pursuant to Article 6(1) and (2) of that Regulation. 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 other financial instruments to be used to implement the plan.

- (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.
- (9) The EIB has been involved in drawing up the single programming document in accordance with the provisions of Article 15(5) of Regulation (EC) No 1260/1999 and has declared itself prepared to contribute to its implementation in conformity with its statutory provisions.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

- (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 financial allocation envisaged for the contribution from each Fund and indicating separately the funding planned for the regions receiving transitional support under Objective 1 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.
- HAS ADOPTED THIS DECISION:

Article 1

The single programming document for the National Computerisation Programme in France 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 France. The priorities are as follows:
1. non-material investments in computerisation;
 2. material investments required to carry out the project;
 3. 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;

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 34 666 666 for the whole period and the financial contribution from the Structural Funds at EUR 19 333 333.

The resulting requirement for national resources of EUR 15 333 333 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 the single programming document amounts to EUR 19 333 333. 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 Objective 1	EUR 4 000 000
ERDF Objective 1 transitional support	EUR 2 000 000
ERDF Objective 2	EUR 13 333 333
Total	EUR 19 333 333

3. In the case of the Objective 1 appropriations, 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 60 million, without altering the total Community contribution referred to in paragraph 1.

In the case of the Objective 2 appropriations, 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

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.

Article 5

This Decision is addressed to the French Republic.

Done at Brussels, 22 March 2001.

For the Commission

Michel BARNIER

Member of the Commission

COMMISSION DECISION

of 29 March 2001

amending Decision of 19 June 2000 approving the Community Support Framework for Community structural assistance in the regions falling under Objective 1 or qualifying for transitional support under Objective 1 in Germany*(notified under document number C(2001) 800)***(Only the German text is authentic)**

(2002/435/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 34(3) thereof,

After consulting the Committee on the Development and Conversion of Regions, the Committee pursuant to Article 147 of the Treaty, the Committee on Agricultural Structures and Rural Development and the Committee on Structures for Fisheries and Aquaculture,

Whereas:

(4) At its meeting on 13 October 2000, the Monitoring Committee for the Community Support Framework for Objective 1 regions in Germany considered and approved the amendments.

(5) On 18 October 2000, the German Government submitted to the Commission a proposal to amend the Community Support Framework for Objective 1 regions in Germany,

HAS ADOPTED THIS DECISION:

Article 1

(1) By Decision 2002/418/EC ⁽²⁾ of 19 June 2000 the Commission approved the Community Support Framework for Community structural assistance in the regions falling under Objective 1 or qualifying for transitional support under Objective 1 in Germany (Community Support Framework for Objective 1 regions in Germany).

(2) Under Article 34(3) of Regulation (EC) No 1260/1999, any amendments to the elements contained in the decision on the contribution of the Funds are to be decided by the Commission in agreement with the Member State concerned.

(3) Under Article 35(3) of Regulation (EC) No 1260/1999, the Monitoring Committee is to consider and approve any proposal to amend the contents of the Commission decision on the contribution of the Funds.

Decision 2002/418/EC is hereby amended as follows:

1. In the first and second subparagraphs of Article 2(2), the total cost of 'EUR 51 515 218 947' shall be replaced by 'EUR 50 292 484 812', the requirement for national public-sector resources of 'EUR 13 080 780 637' by 'EUR 12 366 603 461' and that for private-sector resources of 'EUR 17 727 438 310' by 'EUR 17 218 881 351'.
2. In the third subparagraph of Article 2(2), the breakdown among the Structural Funds of the total Community assistance available shall be as follows:

ERDF	EUR 11 295 539 037
ESF	EUR 5 863 937 494
EAGGF, Guidance Section	EUR 3 442 245 769
FIFG	EUR 105 277 700

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

⁽²⁾ See p. 1 of this Official Journal.

3. Pages 5, 152, 181 and 187 of the Community Support Framework for Objective 1 regions in Germany shall be replaced by the text in the annex to this Decision.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 29 March 2001.

4. The financing plan shall be replaced by the financing plan in the annex to this Decision.

For the Commission

Michel BARNIER

Member of the Commission

COMMISSION DECISION

of 14 June 2001

approving the single programming document for Community structural assistance under Objective 2 in the province of Antwerp in Belgium*(notified under document number C(2001) 1248)***(Only the French and Dutch texts are authentic)**

(2002/436/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:

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) for implementing the plan.

(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 Flemish Government submitted to the Commission on 31 May 2000 an acceptable draft single programming document for the regions of the province of Antwerp fulfilling the conditions for Objective 2 pursuant to Article 4(1) of Regulation (EC) No 1260/1999 and the regions of that province qualifying for transitional

(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 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 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 the province of Antwerp eligible under Objective 2 and those qualifying for transitional support 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 Flanders (Belgium). The priorities are as follows:

1. Objective 2 assistance and transitional support for the region of Kempen;
2. Objective 2 assistance for Northeast Antwerp;
3. 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 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 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 135 834 936 for the whole period and the financial contribution from the Structural Funds at EUR 47 037 000.

The resulting requirement for national resources of EUR 81 514 607 from the public sector and EUR 7 283 329 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 47 037 000. 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 41 591 386
ESF	EUR 5 445 614

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 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 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 Article of the Treaty establishing the European Community 38(5) of Regulation (EC) No 1260/1999.

Consequently, the Commission will not accept requests for interim and final payments under Article 32 of Regulation (EC) No 1260/1999 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 31 May 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 Kingdom of Belgium.

Done at Brussels, 14 June 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 20 November 2001

approving the single programming document for Community structural assistance under Objective 1 to technical assistance in France*(notified under document number C(2001) 2842)***(Only the French text is authentic)**

(2002/437/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 French Government submitted to the Commission on 9 April 2001 an acceptable draft single programming document for technical assistance fulfilling the conditions for Objectives 1 and 2 pursuant to Articles 3(1) and 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 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.
- (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,

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

The single programming document for technical assistance under Objective 1 in France 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 France. The priorities are as follows:
 - 1. expanding capacity to manage, monitor, check and evaluate programmes;
 - 2. promoting exchanges of experience and networking;
 - 3. promoting national and Community priorities;
 - 4. monitoring, promotion and coordination;
- (b) a summary description of the measures planned to implement the priorities;
- (c) the indicative financing plan specifying for each priority and each year the financial allocation envisaged for the contribution from the European Regional Development Fund and indicating separately 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 monitor-

ing 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.

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 1 916 000 for the whole period and the financial contribution from the ERDF at EUR 1 437 000.

Article 3

1. The total assistance from the Structural Funds granted under the single programming document amounts to EUR 1 437 000. 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. 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 60 million, without altering the total Community contribution referred to in paragraph 1.

Article 4

The date from which expenditure shall be eligible is 9 April 2001. The closing date for the eligibility of expenditure shall be 31 December 2008.

Article 5

This Decision is addressed to the French Republic.

Done at Brussels, 20 November 2001.

For the Commission

Michel BARNIER

Member of the Commission

COMMISSION DECISION

of 27 December 2001

approving the single programming document for Community structural assistance under Objective 2 in the Grand-Duchy of Luxembourg*(notified under document number C(2001) 3586)***(Only the French text is authentic)**

(2002/438/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 Luxembourg Government submitted to the Commission on 13 December 2000 an acceptable draft single programming document for the areas fulfilling the conditions for Objective 2 pursuant to Article 4(1) and qualifying for transitional support under Objective 2 pursuant to Article 6(2) of Regulation (EC) No 1260/1999. The plan includes the information listed in Article 16 of Regulation (EC) No 1260/1999, 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 Regulation (EC) No 1260/1999, 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 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 areas of the Grand-Duchy of Luxembourg eligible under Objective 2 and qualifying for transitional support 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 the Grand-Duchy of Luxembourg. The priorities are as follows:

1. promoting the development of the local potential of the regions;
2. integrating wasteland into a sustainable programme of economic and spatial development and improving rundown populated areas;
3. promoting research, technological progress and innovation;
4. promoting the protection of the natural environment;
5. technical assistance for the programme;

- (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 areas 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 contri-

bution 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, 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 single programming document.

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 172 417 267 for the whole period and the financial contribution from the Structural Funds at EUR 41 000 000.

The resulting requirement for national resources of EUR 94 026 666 from the public sector and EUR 37 390 601 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 ERDF granted under the single programming document amounts to EUR 41 000 000. 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. The total Community contribution (EUR 41 000 000) shall come from the ERDF.

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, or by up to 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 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 13 December 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 Grand-Duchy of Luxembourg.

Done at Brussels, 27 December 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.