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Legislation

Contents

I Acts whose publication is obligatory

.....

II Acts whose publication is not obligatory

Commission

2002/554/EC:

- ★ **Commission Decision of 30 March 2000 approving the Community Support Framework for Community structural assistance in the regions of Portugal eligible under Objective 1 and those qualifying for transitional support under Objective 1 (notified under document number C(2000) 762)** 1

2002/555/EC:

- ★ **Commission Decision of 1 August 2000 approving the Community Support Framework for Community structural assistance in the regions of Apulia, Basilicata, Calabria, Campania, Sardinia and Sicily under Objective 1 and Molise qualifying for transitional support under Objective 1 in Italy (notified under document number C(2000) 2050)** 4

2002/556/EC:

- ★ **Commission Decision of 21 March 2001 approving the Single Programming Document for Community structural assistance under Objective 2 in areas of Styria in Austria (notified under document number C(2001) 201)** 7

(Continued overleaf)

2002/557/EC:	
★ Commission Decision of 16 March 2001 approving the Single Programming Document for Community structural assistance under Objective 2 in areas of Lower Austria (notified under document number C(2001) 202)	10
2002/558/EC:	
★ Commission Decision of 16 March 2001 approving the Single Programming Document for Community structural assistance under Objective 2 in areas of Upper Austria (notified under document number C(2001) 203)	13
2002/559/EC:	
★ Commission Decision of 16 March 2001 approving the Single Programming Document for Community structural assistance under Objective 2 in areas of Salzburg in Austria (notified under document number C(2001) 204)	16
2002/560/EC:	
★ Commission Decision of 16 March 2001 approving the Single Programming Document for Community structural assistance under Objective 2 in areas of Vorarlberg in Austria (notified under document number C(2001) 205)	19
2002/561/EC:	
★ Commission Decision of 21 March 2001 approving the Single Programming Document for Community structural assistance under Objective 2 in areas of Carinthia in Austria (notified under document number C(2001) 206)	22
2002/562/EC:	
★ Commission Decision of 19 March 2001 approving the Single Programming Document for Community structural assistance under Objective 2 in areas of the Tyrol in Austria (notified under document number C(2001) 526)	25
2002/563/EC:	
★ Commission Decision of 13 July 2001 approving the Single Programming Document for Community structural assistance under Objective 2 in areas of Vienna in Austria (notified under document number C(2001) 1355)	28
2002/564/EC:	
★ Commission Decision of 7 September 2001 approving the Single Programming Document for Community structural assistance under Objective 2 in the region of Piedmont in Italy (notified under document number C(2001) 2045)	31
2002/565/EC:	
★ Commission Decision of 7 September 2001 approving the Single Programming Document for Community structural assistance under Objective 2 in the region of Lazio in Italy (notified under document number C(2001) 2118)	34

2002/566/EC:	
★ Commission Decision of 7 September 2001 approving the Single Programming Document for Community structural assistance under Objective 2 in the region of Umbria in Italy (<i>notified under document number C(2001) 2119</i>)	37
2002/567/EC:	
★ Commission Decision of 19 September 2001 approving the Single Programming Document for Community structural assistance under Objective 2 in the Autonomous Region of Valle d'Aosta in Italy (<i>notified under document number C(2001) 2121</i>)	40
2002/568/EC:	
★ Commission Decision of 16 October 2001 approving the Single Programming Document for Community structural assistance under Objective 2 in the region of Marche in Italy (<i>notified under document number C(2001) 2790</i>)	43
2002/569/EC:	
★ Commission Decision of 14 November 2001 approving the Single Programming Document for Community structural assistance under Objective 2 in the region of Emilia-Romagna in Italy (<i>notified under document number C(2001) 2797</i>)	46
2002/570/EC:	
★ Commission Decision of 23 November 2001 approving the Single Programming Document for Community structural assistance under Objective 2 in the region of Friuli-Venezia Giulia in Italy (<i>notified under document number C(2001) 2811</i>)	49
2002/571/EC:	
★ Commission Decision of 10 December 2001 approving the Single Programming Document for Community structural assistance under Objective 2 in the region of Lombardy in Italy (<i>notified under document number C(2001) 2878</i>)	52

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 March 2000

approving the Community Support Framework for Community structural assistance in the regions of Portugal eligible under Objective 1 and those qualifying for transitional support under Objective 1

(notified under document number C(2000) 762)

(Only the Portuguese text is authentic)

(2002/554/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 is to submit a development plan to the Commission 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 take a decision on a Community Support Framework for Community structural assistance in agreement with the Member State concerned.

- (4) The Portuguese Government submitted to the Commission on 13 October 1999 a valid regional development plan for the regions of Portugal (Norte, Centro, Alentejo, Algarve, Azores and Madeira) fulfilling the conditions for Objective 1 pursuant to Article 3(1) and for the region of Lisboa e Vale do Tejo qualifying for transitional support under Objective 1 pursuant to Article 6(1) of Regulation (EC) No 1260/1999. The plan contains the information listed in Article 16 of that 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), the European Investment Bank (EIB) 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 framework.
- (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

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

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 the provisions of Article 15(4) of Regulation (EC) No 1260/1999 and has declared itself prepared to contribute to its implementation with the estimated loan amounts indicated in this Decision and in conformity with its statutory provisions.
- (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 the 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 Community Support Framework for Community structural assistance in the regions of Portugal (Norte, Centro, Alentejo, Algarve, Azores and Madeira) fulfilling the conditions for Objective 1 and for the region of Lisboa e Vale do Tejo qualifying for transitional support under Objective 1 pursuant to Article 6(1) of Regulation (EC) No 1260/1999 for the period 1 January 2000 to 31 December 2006 is hereby approved.

Article 2

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

- (a) a statement of 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 Portugal.

The priorities are as follows:

1. raising skill levels and promoting employment and social cohesion;
 2. shifting the profile of production towards future-oriented activities;
 3. consolidating the value of the area and Portugal's position in the world economy;
 4. promoting the sustainable development of regions and national cohesion;
- (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 of each Fund, the EIB where appropriate, and the other financial instruments, and the amount of eligible public or equivalent and estimated private funding. The financing plan indicates separately the funding planned for the region of Lisboa e Vale do Tejo receiving transitional support in respect of Objective 1.

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 the designation of the managing authority and the provision made for involvement of the partners in the Monitoring Committees.
- (e) the *ex ante* verification of additionality and information concerning the transparency of financial flows;
- (f) information on the appropriations 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 42 199 703 000 for the whole period and the financial allocation from the Structural Funds at EUR 20 535 000 000.

The resulting requirement for national resources of EUR 12 264 992 000 from the public sector and EUR 9 399 711 000 from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments. The Portuguese authorities estimate the total amount of EIB loans at EUR 1 427 559 000.

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

- ERDF: EUR 13 295 722 000,
- ESF: EUR 4 720 947 000,
- EAGGF, Guidance section: EUR 2 283 516 000,
- FIFG: EUR 234 815 000.

In addition to the contribution from the Structural Funds, assistance from the Cohesion Fund is estimated at EUR 3 299 436 000, so raising the total contribution from the Structural Funds and the Cohesion Fund to EUR 23 834 436 000 for the period 2000 to 2006.

3. During implementation of the financing plan, the total cost or Community financing of a given priority or intervention may be adjusted in agreement with the Member

State by up to 25 % of each priority throughout the programming period, or by up to EUR 60 million, without altering the total Community contribution referred to in paragraph 1.

Article 3

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 30 March 2000.

For the Commission

Michel BARNIER

Member of the Commission

COMMISSION DECISION

of 1 August 2000

approving the Community Support Framework for Community structural assistance in the regions of Apulia, Basilicata, Calabria, Campania, Sardinia and Sicily under Objective 1 and Molise qualifying for transitional support under Objective 1 in Italy

*(notified under document number C(2000) 2050)***(Only the Italian text is authentic)**

(2002/555/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 is to submit a development plan to the Commission 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 take a decision on a Community Support Framework for Community structural assistance in agreement with the Member State concerned.
- (4) The Italian Government submitted to the Commission on 6 October 1999 a valid regional development plan for Apulia, Basilicata, Calabria, Campania, Sardinia and Sicily fulfilling the conditions for Objective 1 pursuant to Article 3(1) and for Molise qualifying for transitional support under Objective 1 pursuant to the first subparagraph of Article 6(1) of Regulation (EC) No 1260/1999. The plan contains the information listed

in Article 16 of that 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), the European Investment Bank (EIB) 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 framework.
- (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 the provisions of Article 15(4) of Regulation (EC) No 1260/1999.
- (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,

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

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 the 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 of each Fund, the EIB where appropriate, and the other financial instruments, and the amount of eligible public or equivalent and estimated private funding from Italy. The financing plan indicates separately the funding planned for the regions receiving transitional support in respect of Objective 1. The total contribution from the Funds planned for each year for the Community Support Framework is consistent with the relevant financial perspective;

HAS ADOPTED THIS DECISION:

Article 1

The Community Support Framework for Community structural assistance in the regions of Apulia, Basilicata, Calabria, Campania, Sardinia and Sicily under Objective 1 and in the region of Molise qualifying for transitional support under Objective 1 in Italy 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) a statement of 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 Italy.

The priorities are as follows:

1. natural resources;
2. cultural resources;
3. human resources;
4. local development systems;
5. cities;
6. service networks and centres;
7. technical assistance;

- (b) an overview of the operational programmes to be implemented, including their specific aims and the priorities selected;

- (d) the provisions for implementing the Community Support Framework including the designation of the managing authority and the provision made for involvement of the partners in the Monitoring Committees.

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

- (f) information on the appropriations 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 50 826 119 000 for the whole period and the financial allocation from the Structural Funds at EUR 21 638 179 000.

The resulting requirement for national resources of EUR 18 273 995 000 from the public sector and EUR 10 913 945 000 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 14 276 534 000,

— ESF: EUR 4 092 696 000,

— EAGGF, Guidance section: EUR 2 982 626 000,

— FIFG: EUR 286 323.

3. During implementation of the financing plan, the total cost or Community financing of a given priority or intervention may be adjusted in agreement with the Member State by up to 25 % of each priority throughout the

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

Done at Brussels, 1 August 2000.

Article 3

This Decision is addressed to the Italian Republic.

For the Commission

Michel BARNIER

Member of the Commission

COMMISSION DECISION**of 21 March 2001****approving the Single Programming Document for Community structural assistance under Objective 2 in areas of Styria in Austria***(notified under document number C(2001) 201)***(Only the German text is authentic)**

(2002/556/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 Austrian Government submitted to the Commission on 18 April 2000 an acceptable draft Single Programming Document for the areas of Styria fulfilling the conditions for Objective 2 pursuant to Article 4(1) of Regulation (EC) No 1260/1999 and the areas of

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

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

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

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

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;

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance under Objective 2 to the eligible areas of Styria in Austria and to the areas 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 Austria.

The priorities are as follows:

1. promoting the production and service sector;
 2. promoting competitive locations and preparing for the information society;
 3. promoting the development potential of integrated regional development, tourism and culture;
 4. promoting employment and human resources;
 5. technical assistance for programme implementation;
- (b) a summary description of the measures planned to implement the priorities, including the information needed to check compliance with the State aid rules under Article 87 of the Treaty;
- (c) the indicative financing plan specifying for each priority and each year the financial allocation envisaged for the contribution from each Fund, including, for information, the total amount from the EAGGF Guarantee Section and indicating separately the funding planned for the regions receiving transitional support in respect of Objectives 2

- (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 1 138 969 520 for the whole period and the financial contribution from the Structural Funds at EUR 215 467 000.

The resulting requirement for national resources of EUR 175 245 613 from the public sector and EUR 748 256 907 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 215 467 000. 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. Of that amount, EUR 32 695 000 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 a result of the carryover decision, the suspension will be lifted when that decision comes into force.

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

— ERDF: EUR 195 118 606,

— ESF: EUR 20 348 394.

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(3) of the Treaty, except where the aid falls under the *de minimis* rule or is exempted under an exemption regulation adopted by the Commission under Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 to certain categories of horizontal 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.

By way of derogation from the preceding paragraphs, Articles 51 and 52 of Council Regulation (EC) No 1257/1999 ⁽³⁾ 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. 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 Republic of Austria.

Done at Brussels, 21 March 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

⁽³⁾ OJ L 160, 26.6.1999, p. 80.

COMMISSION DECISION**of 16 March 2001****approving the Single Programming Document for Community structural assistance under Objective 2 in areas of Lower Austria***(notified under document number C(2001) 202)***(Only the German text is authentic)***(2002/557/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:

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

- (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 Austrian Government submitted to the Commission on 13 April 2000 an acceptable draft Single Programming Document for the areas of Lower Austria fulfilling the conditions for Objective 2 pursuant to Article 4(1) of Regulation (EC) No 1260/1999 and the areas of Lower Austria 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
- (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.
- (10) Provision must be made for adapting the financial allocations of the priorities of this Single Programming

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

Document within certain limits to actual requirements reflected by the pattern of implementation on the ground, in agreement with the Member State concerned,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance under Objective 2 to the eligible areas of Lower Austria and to the areas 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 Austria.

The priorities are as follows:

- 1. mobilising endogenous potential for regional development, economy-related infrastructure and key regional projects;
 - 2. developing trade and industry, innovation and technology;
 - 3. developing tourism and the leisure industry;
 - 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, including, for information, the total amount from the EAGGF Guarantee Section and indicating separately the funding planned for the regions receiving transitional support in respect of Objectives 2 and 5(b) and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year for the Single Programming Document is consistent with the relevant financial perspective;

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

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

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

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 875 777 000 for the whole period and the financial contribution from the Structural Funds at EUR 177 167 000.

The resulting requirement for national resources of EUR 152 942 000 from the public sector and EUR 545 668 000 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 177 167 000. 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. Of that amount, EUR 29 042 000 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 a result of the carryover decision, the suspension will be lifted when that decision comes into force.

2. All Community assistance available, EUR 177 167 000, will be provided by 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(3) of the Treaty, except where the aid falls under the *de minimis* rule or is exempted under an exemption regulation adopted by the Commission under Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 to certain categories of horizontal 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.

By way of derogation from the preceding paragraphs, Articles 51 and 52 of Council Regulation (EC) No 1257/1999 ⁽³⁾ 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. 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 Republic of Austria.

Done at Brussels, 16 March 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

⁽³⁾ OJ L 160, 26.6.1999, p. 80.

COMMISSION DECISION**of 16 March 2001****approving the Single Programming Document for Community structural assistance under Objective 2 in areas of Upper Austria***(notified under document number C(2001) 203)***(Only the German text is authentic)**

(2002/558/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 Austrian Government submitted to the Commission on 13 April 2000 an acceptable draft Single Programming Document for the areas of Upper Austria fulfilling the conditions for Objective 2 pursuant to Article 4(1) of Regulation (EC) No 1260/1999 and the areas of Upper Austria 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).

(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.

(10) Provision must be made for adapting the financial allocations of the priorities of this Single Programming

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

Document within certain limits to actual requirements reflected by the pattern of implementation on the ground, in agreement with the Member State concerned,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance under Objective 2 to the eligible areas of Upper Austria and to the areas 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 Austria.

The priorities are as follows:

1. expanding and further developing the quality of economy-related infrastructure;
 2. promoting trade, industry, services and tourism;
 3. sustainable regional economic development;
 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, including, for information, the total amount from the EAGGF Guarantee Section and indicating separately the funding planned for the regions receiving transitional support in respect of Objectives 2 and 5(b) and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year for the Single Programming Document is consistent with the relevant financial perspective;

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

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

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

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 718 845 975 for the whole period and the financial contribution from the Structural Funds at EUR 121 871 000.

The resulting requirement for national resources of EUR 61 842 049 from the public sector and EUR 535 132 926 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 121 871 000. 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. Of that amount, EUR 21 757 000 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 a result of the carryover decision, the suspension will be lifted when that decision comes into force.

2. All Community assistance available, EUR 121 871 000, will be provided by 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(3) of the Treaty, except where the aid falls under the *de minimis* rule or is exempted under an exemption regulation adopted by the Commission under Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 to certain categories of horizontal 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.

By way of derogation from the preceding paragraphs, Articles 51 and 52 of Council Regulation (EC) No 1257/1999 ⁽³⁾ 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. 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 Republic of Austria.

Done at Brussels, 16 March 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

⁽³⁾ OJ L 160, 26.6.1999, p. 80.

COMMISSION DECISION**of 16 March 2001****approving the Single Programming Document for Community structural assistance under Objective 2 in areas of Salzburg in Austria***(notified under document number C(2001) 204)***(Only the German text is authentic)***(2002/559/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:

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

(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 Austrian Government submitted to the Commission on 18 April 2000 an acceptable draft Single Programming Document for the areas of Salzburg fulfilling the conditions for Objective 2 pursuant to Article 4(1) of Regulation (EC) No 1260/1999 and the areas of Salzburg qualifying for transitional support under Objective 5(b) pursuant to Article 6(2) of Regulation (EC) No 1260/1999. The draft contains the information listed in Article 16 of the Regulation, and

(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.

(10) Provision must be made for adapting the financial allocations of the priorities of this Single Programming

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

Document within certain limits to actual requirements reflected by the pattern of implementation on the ground, in agreement with the Member State concerned,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance under Objective 2 to the eligible areas of Salzburg in Austria and to the areas qualifying for transitional support under Objective 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 Austria.

The priorities are as follows:

- 1. developing tourism, including touristic infrastructure and tourism-related services;
 - 2. production sector and production-related services;
 - 3. multisectoral regional development;
 - 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, including, for information, the total amount from the EAGGF Guarantee Section and indicating separately the funding planned for the regions receiving transitional support in respect of Objective 5(b) and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year for the Single Programming Document is consistent with the relevant financial perspective;

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

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

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

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 87 514 554 for the whole period and the financial contribution from the Structural Funds at EUR 17 763 000.

The resulting requirement for national resources of EUR 7 496 527 from the public sector and EUR 62 255 027 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 17 763 000. 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. Of that amount, EUR 3 190 000 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 a result of the carryover decision, the suspension will be lifted when that decision comes into force.

2. All Community assistance available, EUR 17 763 000, will be provided by 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(3) of the Treaty, except where the aid falls under the *de minimis* rule or is exempted under an exemption regulation adopted by the Commission under Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 to certain categories of horizontal 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.

By way of derogation from the preceding paragraphs, Articles 51 and 52 of Council Regulation (EC) No 1257/1999 ⁽³⁾ 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. 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 Republic of Austria.

Done at Brussels, 16 March 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

⁽³⁾ OJ L 160, 26.6.1999, p. 80.

COMMISSION DECISION

of 16 March 2001

approving the Single Programming Document for Community structural assistance under Objective 2 in areas of Vorarlberg in Austria*(notified under document number C(2001) 205)***(Only the German text is authentic)**

(2002/560/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 Austrian Government submitted to the Commission on 18 April 2000 an acceptable draft Single Programming Document for the areas of Vorarlberg fulfilling the conditions for Objective 2 pursuant to Article 4(1) of Regulation (EC) No 1260/1999 and the areas of Vorarlberg qualifying for transitional support under Objective 2 pursuant to Article 6(2) of Regulation (EC) No 1260/1999. The draft contains the information

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

- (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.
- (10) Provision must be made for adapting the financial allocations of the priorities of this Single Programming

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

Document within certain limits to actual requirements reflected by the pattern of implementation on the ground, in agreement with the Member State concerned,

made of global grants, a description of the systems for monitoring and evaluation, including the role of the Monitoring Committee and the arrangements for the participation of the partners in that Committee;

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance under Objective 2 to the eligible areas of Vorarlberg in Austria and to the areas 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 Austria.

The priorities are as follows:

1. developing businesses with a future;
 2. developing competitive regions;
 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

- (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 153 203 000 for the whole period and the financial contribution from the Structural Funds at EUR 22 716 000.

The resulting requirement for national resources of EUR 6 755 000 from the public sector and EUR 123 732 000 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 22 716 000. 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. Of that amount, EUR 4 233 000 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 a result of the carryover decision, the suspension will be lifted when that decision comes into force.

2. All Community assistance available, EUR 22 716 000, will be provided by 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(3) of the Treaty, except where the aid falls under the *de minimis* rule or is exempted under an exemption regulation adopted by the Commission under Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 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.

By way of derogation from the preceding paragraphs, Articles 51 and 52 of Council Regulation (EC) No 1257/1999 ⁽³⁾ 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. 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 Republic of Austria.

Done at Brussels, 16 March 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

⁽³⁾ OJ L 160, 26.6.1999, p. 80.

COMMISSION DECISION**of 21 March 2001****approving the Single Programming Document for Community structural assistance under Objective 2 in areas of Carinthia in Austria***(notified under document number C(2001) 206)***(Only the German text is authentic)***(2002/561/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 Austrian Government submitted to the Commission on 6 April 2000 an acceptable draft Single Programming Document for the areas of Carinthia fulfilling the conditions for Objective 2 pursuant to Article 4(1) of Regulation (EC) No 1260/1999 and the areas of Carinthia qualifying for transitional support

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

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

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

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

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance under Objective 2 to the eligible areas of Carinthia in Austria and to the areas qualifying for transitional support under Objective 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 Austria.

The priorities are as follows:

1. developing trade, industry and production-related services;
 2. tourism and regional development;
 3. education and business;
 4. technical assistance for programme implementation;
- (b) a summary description of the measures planned to implement the priorities, including the information needed to check compliance with the State aid rules under Article 87 of the Treaty;
- (c) the indicative financing plan specifying for each priority and each year the financial allocation envisaged for the contribution from each Fund, including, for information, the total amount from the EAGGF Guarantee Section and indicating separately the funding planned for the regions receiving transitional support in respect of Objective 5(b) and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year for the Single Programming Document is consistent with the relevant financial perspective;

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

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

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

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 457 257 000 for the whole period and the financial contribution from the Structural Funds at EUR 85 252 000.

The resulting requirement for national resources of EUR 31 899 000 from the public sector and EUR 340 106 000 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 85 252 000. 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. Of that amount, EUR 13 157 000 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 a result of the carryover decision, the suspension will be lifted when that decision comes into force.

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

— ERDF: EUR 81 393 000,

— ESF: EUR 3 859 000.

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, 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(3) of the Treaty, except where the aid falls under the *de minimis* rule or is exempted under an exemption regulation adopted by the Commission under Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 to certain categories of horizontal 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.

By way of derogation from the preceding paragraphs, Articles 51 and 52 of Council Regulation (EC) No 1257/1999 ⁽³⁾ 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. 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 Republic of Austria.

Done at Brussels, 21 March 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

⁽³⁾ OJ L 160, 26.6.1999, p. 80.

COMMISSION DECISION**of 19 March 2001****approving the Single Programming Document for Community structural assistance under Objective 2 in areas of the Tyrol in Austria***(notified under document number C(2001) 526)***(Only the German text is authentic)**

(2002/562/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 Austrian Government submitted to the Commission on 26 April 2000 an acceptable draft Single Programming Document for the areas of the Tyrol fulfilling the conditions for Objective 2 pursuant to Article 4(1) of Regulation (EC) No 1260/1999 and the areas of the Tyrol qualifying for transitional support under Objective 5(b) pursuant to Article 6(2) of Regulation (EC) No 1260/1999. The draft contains the

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

(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.

(10) Provision must be made for adapting the financial allocations of the priorities of this Single Programming

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

Document within certain limits to actual requirements reflected by the pattern of implementation on the ground, in agreement with the Member State concerned,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance under Objective 2 to the eligible areas of the Tyrol in Austria and to the areas qualifying for transitional support under Objective 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 Austria.

The priorities are as follows:

- 1. promoting businesses, making locations attractive, new technologies;
 - 2. tourism, leisure and quality of life;
 - 3. innovative approaches to solving regional problems and local environmental issues;
 - 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, including, for information, the total amount from the EAGGF Guarantee Section and indicating separately the funding planned for the regions receiving transitional support in respect of Objective 5(b) and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year for the Single Programming Document is consistent with the relevant financial perspective;

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

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

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

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 220 447 000 for the whole period and the financial contribution from the Structural Funds at EUR 44 689 000.

The resulting requirement for national resources of EUR 33 431 000 from the public sector and EUR 142 327 000 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 44 689 000. 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. Of that amount, EUR 7 396 000 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 a result of the carryover decision, the suspension will be lifted when that decision comes into force.

2. All Community assistance available, EUR 44 689 000, will be provided by 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(3) of the Treaty, except where the aid falls under the *de minimis* rule or is exempted under an exemption regulation adopted by the Commission under Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 to certain categories of horizontal 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 Republic of Austria.

Done at Brussels, 19 March 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION**of 13 July 2001****approving the Single Programming Document for Community structural assistance under Objective 2 in areas of Vienna in Austria***(notified under document number C(2001) 1355)***(Only the German text is authentic)***(2002/563/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 Austrian Government submitted to the Commission on 4 July 2000 an acceptable draft Single Programming Document for the areas of Vienna fulfilling the conditions for Objective 2 pursuant to Article 4(1) of Regulation (EC) No 1260/1999. The Single Programming Document 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 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) Provision must be made for adapting the financial allocations of the priorities of this Single Programming Document within certain limits to actual requirements reflected by the pattern of implementation on the ground, in agreement with the Member State concerned,

HAS ADOPTED THIS DECISION:

Article 1

The Single Programming Document for Community structural assistance under Objective 2 to the eligible areas of Vienna for the period 1 January 2000 to 31 December 2006 is hereby approved.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

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 Austria.

The priorities are as follows:

- 1. developing local urban structure;
 - 2. competitive businesses as a prerequisite for creating jobs;
 - 3. society and 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 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 47 535 410 for the whole period and the financial contribution from the Structural Funds at EUR 18 075 000.

The resulting requirement for national resources of EUR 20 315 474 from the public sector and EUR 9 144 936 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 18 075 000. 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 13 375 500,

— ESF: EUR 4 699 500.

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(3) of the Treaty, except where the aid falls under the *de minimis* rule or is exempted under an exemption regulation adopted by the Commission under Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 to certain categories of horizontal aid ⁽²⁾. In the absence of such exemption or approval, aid is illegal and subject to the consequences set out in the procedural regulation for State aid,

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

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

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

Article 5

The date from which expenditure shall be eligible is 4 July 2000. The closing date for the eligibility of expenditure shall

be 31 December 2008. This date is extended to 30 April 2009 for expenditure incurred by bodies granting assistance under Article 9(l) of Regulation (EC) No 1260/1999.

Article 6

This Decision is addressed to the Republic of Austria.

Done at Brussels, 13 July 2001.

For the Commission

Michel BARNIER

Member of the Commission

COMMISSION DECISION**of 7 September 2001****approving the Single Programming Document for Community structural assistance under Objective 2 in the region of Piedmont in Italy***(notified under document number C(2001) 2045)***(Only the Italian text is authentic)**

(2002/564/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 Italian Government submitted to the Commission on 27 November 2000 an acceptable draft Single Programming Document for the region of Piedmont fulfilling the conditions for Objective 2 pursuant to Article 4(1) 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) 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 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.

(10) Provision should be made for adapting the financial allocations of the priorities of this Single Programming Document within certain limits to actual requirements

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

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 Piedmont in Italy eligible under Objective 2 for the period 1 January 2000 to 31 December 2006 is hereby approved.

Article 2

1. In accordance with Article 19 of Regulation (EC) No 1260/1999, the Single Programming Document includes the following elements:

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

- internationalisation;
- improvements to and support for the system;
- local development and improved use of the area;
- social cohesion;
- 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, where relevant from the EIB, and from the other financial instruments, including, for information, the total amount from the EAGGF Guarantee Section and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year for the Single Programming Document is consistent with the relevant financial perspective;

(d) the provisions for implementing the Single Programming Document including designation of the managing authority, a description of the arrangements for managing the Single Programming Document, 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 1 241 933 231 for the whole period and the financial contribution from the Structural Funds at EUR 488 599 651.

The resulting requirement for national resources of EUR 607 083 580 from the public sector and EUR 146 250 000 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 488 599 651. 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 total Community assistance available is as follows:

- ERDF: EUR 488 599 651.

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 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 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 27 November 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 Italian Republic.

Done at Brussels, 7 September 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 7 September 2001

approving the Single Programming Document for Community structural assistance under Objective 2 in the region of Lazio in Italy

(notified under document number C(2001) 2118)

(Only the Italian text is authentic)

(2002/565/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 Italian Government submitted to the Commission on 27 November 2000 an acceptable draft Single Programming Document for the region of Lazio 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. 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) 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 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.

(10) Provision should be made for adapting the financial allocations of the priorities of this Single Programming Document within certain limits to actual requirements

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

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 Lazio in Italy 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 Italy.

The priorities are as follows:

- improvements to the environment;
- improvements to material and non-material networks;
- development of local systems;
- improving the competitiveness of firms;
- 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, where relevant from the EIB, and from the other financial instruments, including, for information, the total amount from the EAGGF Guarantee Section and indicating separately the funding planned for the regions receiving transitional support in respect of Objectives 2 and 5(b) and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year for the Single Programming Document is consistent with the relevant financial perspective;

- (d) the provisions for implementing the Single Programming Document including designation of the managing authority, a description of the arrangements for managing the Single Programming Document, 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 918 116 815 for the whole period and the financial contribution from the Structural Funds at EUR 371 522 892.

The resulting requirement for national resources of EUR 473 950 858 from the public sector and EUR 72 643 065 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 371 522 892. 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 total Community assistance available is as follows:

— ERDF: EUR 371 522 892.

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

Article 6

This Decision is addressed to the Italian Republic.

Done at Brussels, 7 September 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION**of 7 September 2001****approving the Single Programming Document for Community structural assistance under Objective 2 in the region of Umbria in Italy***(notified under document number C(2001) 2119)***(Only the Italian text is authentic)**

(2002/566/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 Italian Government submitted to the Commission on 27 November 2000 an acceptable draft Single Programming Document for the region of Umbria 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. 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) 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 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.

- (10) Provision should be made for adapting the financial allocations of the priorities of this Single Programming

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

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 Umbria in Italy 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 Italy. The priorities are as follows:

- competitiveness of the regional system;
- competitiveness of the system of firms;
- conservation and improvement of environmental and cultural resources;
- 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, where relevant from the EIB, and from the other financial instruments, including, for information, the total amount from the EAGGF Guarantee Section and indicating separately the funding planned for the regions receiving transitional support in respect of Objectives 2 and 5(b) and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year for the Single Programming Document is consistent with the relevant financial perspective;

(d) the provisions for implementing the Single Programming Document including designation of the managing authority, a description of the arrangements for managing the Single Programming Document, 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 393 137 532 for the whole period and the financial contribution from the Structural Funds at EUR 150 502 845.

The resulting requirement for national resources of EUR 221 747 781 from the public sector and EUR 20 886 906 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 150 502 845. 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 total Community assistance available is as follows:

— ERDF: EUR 150 502 845.

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

Article 6

This Decision is addressed to the Italian Republic.

Done at Brussels, 7 September 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 19 September 2001

**approving the Single Programming Document for Community structural assistance under
Objective 2 in the Autonomous Region of Valle d'Aosta in Italy**

*(notified under document number C(2001) 2121)***(Only the Italian text is authentic)**

(2002/567/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 Italian Government submitted to the Commission on 27 November 2000 an acceptable draft Single Programming Document for the Autonomous Region of Valle d'Aosta 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. 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) 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 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.
- (10) Provision should be made for adapting the financial allocations of the priorities of this Single Programming Document within certain limits to actual requirements

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

reflected by the pattern of implementation on the ground, in agreement with the Member State concerned,

(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 Community structural assistance in the Autonomous Region of Valle d'Aosta in Italy 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 Italy. The sole priority is the improvement and diversification of the productive fabric, plus 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, where relevant from the EIB, and from the other financial instruments, including, for information, the total amount from the EAGGF Guarantee Section and showing separately the amounts for the areas qualifying for transitional support under 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, 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;

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 42 983 439 for the whole period and the financial contribution from the Structural Funds at EUR 16 078 574.

The resulting requirement for national resources of EUR 24 060 111 from the public sector and EUR 2 844 754 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 16 078 574. 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 total Community assistance available is as follows:

— ERDF: EUR 16 078 574.

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 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 27 November 2000. The closing date for the eligibility of

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

Article 6

This Decision is addressed to the Italian Republic.

Done at Brussels, 19 September 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION**of 16 October 2001****approving the Single Programming Document for Community structural assistance under Objective 2 in the region of Marche in Italy***(notified under document number C(2001) 2790)***(Only the Italian text is authentic)**

(2002/568/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 Italian Government submitted to the Commission on 27 November 2000 an acceptable draft Single Programming Document for the region of Marche 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. 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) 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 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.
- (10) Provision should be made for adapting the financial allocations of the priorities of this Single Programming Document within certain limits to actual requirements

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

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 Marche in Italy 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 Italy.

The priorities are as follows:

- development and improvement of the productive system;
- ecology network and improvements to the area;
- economic diversification and development of local potential;
- 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, where relevant from the EIB, and from the other financial instruments, including, for information, the total amount from the EAGGF Guarantee Section and indicating separately the funding planned for the regions receiving transitional support in respect of Objectives 2 and 5(b) and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year for the Single Programming Document is consistent with the relevant financial perspective;

- (d) the provisions for implementing the Single Programming Document including designation of the managing authority, a description of the arrangements for managing the Single Programming Document, 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 318 221 298 for the whole period and the financial contribution from the Structural Funds at EUR 125 282 724.

The resulting requirement for national resources of EUR 125 282 724 from the public sector and EUR 67 655 850 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 125 282 724. 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 total Community assistance available is as follows:

- ERDF: EUR 125 282 724.

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

Article 6

This Decision is addressed to the Italian Republic.

Done at Brussels, 16 October 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION**of 14 November 2001****approving the Single Programming Document for Community structural assistance under Objective 2 in the region of Emilia-Romagna in Italy***(notified under document number C(2001) 2797)***(Only the Italian text is authentic)***(2002/569/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 Italian Government submitted to the Commission on 27 November 2000 an acceptable draft Single Programming Document for the region of Emilia-Romagna 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. 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) 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 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.
- (10) Provision should be made for adapting the financial allocations of the priorities of this Single Programming Document within certain limits to actual requirements

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

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 Emilia-Romagna in Italy 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 Italy. The priorities are as follows:

- support for firms;
- negotiated programming for local development;
- 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, where relevant from the EIB, and from the other financial instruments, including, for information, the total amount from the EAGGF Guarantee Section and indicating separately the funding planned for the regions receiving transitional support in respect of Objectives 2 and 5(b) and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year for the Single Programming Document is consistent with the relevant financial perspective;

(d) the provisions for implementing the Single Programming Document including designation of the managing authority, a description of the arrangements for managing the Single Programming Document, 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 252 365 061 for the whole period and the financial contribution from the Structural Funds at EUR 122 700 015.

The resulting requirement for national resources of EUR 122 700 015 from the public sector and EUR 6 965 031 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 122 700 015. 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 total Community assistance available is as follows:

— ERDF: EUR 122 700 015.

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

Article 6

This Decision is addressed to the Italian Republic.

Done at Brussels, 14 November 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 23 November 2001

approving the Single Programming Document for Community structural assistance under Objective 2 in the region of Friuli-Venezia Giulia in Italy*(notified under document number C(2001) 2811)***(Only the Italian text is authentic)**

(2002/570/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 Italian Government submitted to the Commission on 27 November 2000 an acceptable draft Single Programming Document for the region of Friuli-Venezia Giulia 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. 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) 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 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.
- (10) Provision should be made for adapting the financial allocations of the priorities of this Single Programming Document within certain limits to actual requirements

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

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 Friuli-Venezia Giulia in Italy 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 Italy.

The priorities are as follows:

- competitiveness and attractiveness of the area;
- extension and competitiveness of the system for firms;
- exploitation and protection of environmental, natural and cultural resources;
- strengthening the mountain economy and improving socio-economic and marketing conditions in marginal mountainous areas;
- 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, where relevant from the EIB, and from the other financial instruments, including, for information, the total amount from the EAGGF Guarantee Section and indicating separately the funding planned for the regions receiving transitional support in respect of Objectives 2 and 5(b) and the total amounts of eligible public or equivalent expenditure and estimated private

funding in the Member State. The total contribution from the Funds planned for each year for the Single Programming Document is consistent with the relevant financial perspective;

- (d) the provisions for implementing the Single Programming Document including designation of the managing authority, a description of the arrangements for managing the Single Programming Document, 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 323 438 707 for the whole period and the financial contribution from the Structural Funds at EUR 96 542 985.

The resulting requirement for national resources of EUR 225 265 816 from the public sector and EUR 1 629 906 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 96 542 985. 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 total Community assistance available is as follows:

- ERDF: EUR 96 542 985.

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

Article 6

This Decision is addressed to the Italian Republic.

Done at Brussels, 23 November 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 10 December 2001

approving the Single Programming Document for Community structural assistance under Objective 2 in the region of Lombardy in Italy*(notified under document number C(2001) 2878)***(Only the Italian text is authentic)**

(2002/571/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 Italian Government submitted to the Commission on 24 November 2000 an acceptable draft Single Programming Document for the region of Lombardy 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. 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) 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 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.
- (10) Provision should be made for adapting the financial allocations of the priorities of this Single Programming Document within certain limits to actual requirements

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

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 Lombardy in Italy 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 Italy.

The priorities are as follows:

- improving the competitiveness of the economic system in Lombardy;
- improvement and development of the area;
- exploitation of environmental resources;
- 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, where relevant from the EIB, and from the other financial instruments, including, for information, the total amount from the EAGGF Guarantee Section and indicating separately the funding planned for the regions receiving transitional support in respect of Objectives 2 and 5(b) and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year for the Single Programming Document is consistent with the relevant financial perspective;

(d) the provisions for implementing the Single Programming Document including designation of the managing authority, a description of the arrangements for managing the Single Programming Document, 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 404 334 642 for the whole period and the financial contribution from the Structural Funds at EUR 200 387 319.

The resulting requirement for national resources of EUR 203 947 323 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 200 387 319. 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 total Community assistance available is as follows:

— ERDF: EUR 200 387 319.

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

Article 6

This Decision is addressed to the Italian Republic.

Done at Brussels, 10 December 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.