

Official Journal

of the European Communities

ISSN 0378-6978

L 118

Volume 37

7 May 1994

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

.....

II *Acts whose publication is not obligatory*

Commission

94/223/EEC:

- ★ Commission Decision of 27 October 1993 concerning the granting of assistance from the cohesion financial instrument to the project concerning protection of underground aquifers against salinization (Plain of Argolida) in Greece 1

94/224/EEC:

- ★ Commission Decision of 27 October 1993 concerning the granting of assistance from the cohesion financial instrument to the project soil protection, reforestation, forest protection in Greece 10

94/225/EEC:

- ★ Commission Decision of 27 October 1993 concerning the granting of assistance from the cohesion financial instrument to the project concerning the Gouladris Museum of Natural History — Centre for Environmental Research and Education in Greece 19

94/226/EEC:

- ★ Commission Decision of 27 October 1993 concerning the granting of assistance from the cohesion financial instrument to the project in Greece: Drainage for the Municipality of Soufli, Drainage for sewage and rainwater for the town of Chania, Drainage of Parga, Drainage in Kiato, Drainage in Xilokastro, Central drain for Veria, Drainage for sewage/rainwater for the town of Veria, Drainage system for Patra, Extention of the drainage system and completion of basic drainage work for the Municipality of Egio, Extention of the drainage system for the town of Karditsa, Drainage system for Skiathos. 28

Price: ECU 53

(Continued overleaf)

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

94/227/EEC:

- ★ Commission Decision of 27 October 1993 concerning the granting of assistance from the cohesion financial instrument to the project in Greece: Replacement of the internal water-supply system in Patra, External aqueduct-extension of the internal water-supply system for Ptolemaida, Internal system for Chalkida, Water-supply system for the town of Veria, Water-supply system of Giannitsa, Water-supply system of Volos, Water-supply system for the town of Larissa, Completion and reinforcement of the internal and external water-supply system of Trikala. 38

94/228/EEC:

- ★ Commission Decision of 27 October 1993 concerning the grant of assistance from the cohesion financial instrument to the project in Greece: Water-supply system, Water-supply system for the southern part of the town of Argos, Water-supply system for the town of Tripolis, Water-supply system — drainage system of Livadia, Stage II of the drainage system and water-supply system of Lamia 48

94/229/EC:

- ★ Commission Decision of 15 November 1993 concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Dublin (Ballymore Eustace) water supply (Stage 1) 58

94/230/EC:

- ★ Commission Decision of 15 November 1993 concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Dublin Ringsend and Dublin North sludge treatment (Stage 1) 67

94/231/EC:

- ★ Commission Decision of 15 November 1993 concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Waterford main drainage (Stage 1) 76

94/232/EC:

- ★ Commission Decision of 15 November 1993 concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Mitchelstown sewerage (Stage 1) 85

94/233/EC:

- ★ Commission Decision of 15 November 1993 concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Wicklow town sewerage (Stage 1) 94

94/234/EC:

- ★ Commission Decision of 15 November 1993 concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Ennis main drainage 103

94/235/EC:

- ★ Commission Decision of 15 November 1993 concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Tuam regional water supply (Stage 1) 112

94/236/EC:

- ★ Commission Decision of 15 November 1993 concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Wexford main drainage (Stage 1) 121

94/237/EC:	
★ Commission Decision of 15 November 1993 concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Enniscorthy main drainage (Stage 1)	130
94/238/EC:	
★ Commission Decision of 15 November 1993 concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Dun Laoghaire main drainage (Stage 1)	139
94/239/EC:	
★ Commission Decision of 15 November 1993 concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Limerick city main drainage (stage 1)	148
94/240/EC:	
★ Commission Decision of 15 November 1993 concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Limerick city water supply (stage 1)	157
94/241/EC:	
★ Commission Decision of 15 November 1993 concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Lough Mask regional water supply (stage 1)	166
94/242/EC:	
★ Commission Decision of 15 November 1993 concerning the grant of assistance from the cohesion financial instrument to a project concerning the Valladolid eastern bypass in Spain	175
94/243/EC:	
★ Commission Decision of 15 November 1993 concerning the grant of assistance from the cohesion financial instrument to a project concerning access to Santiago de Compostela in Spain	184
94/244/EC:	
★ Commission Decision of 15 November 1993 concerning the grant of assistance from the cohesion financial instrument to a project concerning the Gilet to Soneja section of the N-234 in Spain	193
94/245/EC:	
★ Commission Decision of 15 November 1993 concerning the grant of assistance from the cohesion financial instrument to a project concerning the N-632 duplication of the section from Las Dueñas to Novellana in Spain	202
94/246/EC:	
★ Commission Decision of 22 November 1993 concerning the granting of assistance from the cohesion financial instrument to the project concerning the Palmela to Marateca road in Portugal	211
94/247/EC:	
★ Commission Decision of 22 November 1993 concerning the granting of assistance from the cohesion financial instrument to the project concerning the Cruz/Braga section in Portugal	220

Contents (continued)

94/248/EC:

- ★ Commission Decision of 22 November 1993 concerning the granting of assistance from the cohesion financial instrument to a project concerning the prevention and control of accidents involving dangerous materials at the port of Sines in Portugal 229

94/249/EC:

- ★ Commission Decision of 22 November 1993 concerning the granting of assistance from the cohesion financial instrument to the project concerning the renovation of the pipeline from Vila Franca de Xira to the airport in Portugal 238

94/250/EC:

- ★ Commission Decision of 22 November 1993 concerning the granting of assistance from the cohesion financial instrument to the project concerning increasing the capacity of the Castelo de Bode pipeline in Portugal 247

94/251/EC:

- ★ Commission Decision of 10 December 1993 concerning the grant of assistance from the cohesion financial instrument to a project concerning the Madrid to Valencia railway line (Doubling of the Fuente la Higuera to Játiva section) in Spain 256

94/252/EC:

- ★ Commission Decision of 10 December 1993 concerning the grant of assistance from the cohesion financial instrument to a project concerning the Valencia to Tarragona railway line (Doubling of the Alcanar to Camarles section) in Spain 265

94/253/EC:

- ★ Commission Decision of 10 December 1993 concerning the grant of assistance from the cohesion financial instrument to a project concerning the merchant shipping service, rescue coordination and fighting pollution at sea in Spain 274

94/254/EC:

- ★ Commission Decision of 16 December 1993 concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Rosslare harbour development (stage II) 284

94/255/EC:

- ★ Commission Decision of 20 December 1993 concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Ballinrobe sewerage (stage I and II) 293

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 27 October 1993

concerning the granting of assistance from the cohesion financial instrument to the project concerning protection of underground aquifers against salinization (Plain of Argolida) in Greece

No CF: 93/09/61/09

(Only the Greek text is authentic)

(94/223/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

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

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾, as amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;

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

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate

publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas on 2 July 1993 Greece submitted an application for assistance from the cohesion financial instrument for the project concerning protection of underground aquifers against salinization (Plain of Argolida);

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

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

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

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

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Council Regulation (Euratom, ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

be specified to the recipient in due form when the aid is granted;

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

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

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

HAS ADOPTED THIS DECISION:

Article 1

1. The project concerning protection of underground aquifers against salinization (Plain of Argolida) in Greece as described in Annex I hereto is hereby approved for the period from June 1993 to March 1994.

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

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 4 906 000.

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

3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 4 170 000.

4. The contribution is committed from the 1993 budget.

Article 3

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

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

3. The amount of the first advance payment shall be fixed at ECU 2 140 666.

Article 4

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

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

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

Article 5

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

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 27 October 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Project title

Protection of underground aquifers against salinization (Plain of Argolida)

2. Authority making the application

2.1. Name: Ministry of Environment, Regional Planning and Public Works

2.2. Address: Amaliados 17, 115 23 Athens

3. Authority responsible for implementation

3.1. Name: Ministry of Environment, Regional Planning and Public Works — First Directorate for the Supervision of Public Works — Tripoli/Western Argolida

3.2. Address: Athens — Tripoli — Navplio

4. Location

4.1. Member State: Greece

4.2. Region: Peloponnese — Argolida

5. Description of the project

Construction of dams and pipelines in the areas of the Plain of Argolida and Asini/Iria. The project comprises the following works:

- (a) pumping stations, pressure pipes, canals and reservoirs for the transport of water to the regions of Asini and Iria, so as to enrich the underground aquifers in these regions. Total length 21,04 km and total area approximately 3 000 ha;
- (b) pumping station, pressure pipe and reservoir for the transport of water from the Anavalos canal to the region of Koutsopodi, so as to enrich the aquifer. Total length 3,3 km and total area approximately 4 000 ha.
- (c) seven pumping stations along the Anavalos canal and four main water pipes, together with the reservoirs, so as to enrich the underground aquifer over an area of approximately 16 000 ha;

The water from the Anavalos canal will be distributed over an area of some 23 000 ha (approximately the cultivated area of the Plain of Argolida), with a view to the uniform and simultaneous enrichment of the underground aquifer.

6. Objectives

The aim of the project is the provision of suitable water through the system described above, with a view to enriching the underground aquifer of the Plain of Argolida.

The absence of the first and second aquiferous layers is serious. The existing pockets of water where the first two layers used to be come from rainwater and cannot maintain the entire system in balance, since the overpumping from boreholes, while ensuring that farmers have the water they need, has led to the disappearance of these two underground layers.

7. Timetable (various works)

	Start date	Completion date
Studies	1982, 1992, 1993	1982, June 1993, August 1993
Compulsory purchases	June 1993	August 1993
Principal works	August 1993	1994
Entry into operation		

8. Cost-benefit analysis

The social analysis gives a ratio of B/C = 1

9. Environmental impact assessment

Restoration of the relative equilibrium of the system, since the amount of water caught and stored underground will be greater than that pumped out.

Increase in the water potential of the ecosystem.

10. Total costs

Ecu 4,906 million

11. Special conditions concerning the Argos project

1. The competent authorities of the State concerned undertake to set up and apply immediately after the conclusion of the works covered by this Decision the following special programmes based on information arising from the environmental impact study or from other scientific and technical sources:

- (a) Special irrigation programme to determine the quantities of water applied per unit of land area, having regard to the needs of the plant products grown and the soil conditions, with a view to ensuring proper utilization of water resources and soil protection;
- (b) Special programme on the use of fertilizers and pesticides, having regard to the needs of the plant products grown and to the soil conditions with a view to their proper utilization and with the ultimate aim of preventing water and soil pollution.

2. The above works must not under any circumstances be carried out with a view to increasing the extent of irrigated land in the region.

ANNEX II*

FINANCING PLAN

Project: 93/09/61/009

(ECU '000)

Year	Total cost ⁽¹⁾	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
1=2+11	2=4+6+10	% 3=2/1	4	% 5=4/2	6=8+9	% 7=6/2	8	9	10	11	% 12=11/1	13	
1993	3 778	3 778	100	3 211	85	567	15	567					
1994	1 128	1 128	100	959	85	169	15	169					
1995													
Total	4 906	4 906	100	4 170	85	736	15	736					

(1) Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

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

Community assistance

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

Commitments and payments

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

Recovery of undue payments

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

Procedure for amending the project decision

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

Procedure for closing a project

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

Other provisions

16. The second payment is conditional on the fulfilment by the Member State of the provisions of point 11, Annexe I of this decision.
-

ANNEX IV

MONITORING AND ASSESSMENT

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

A. Monitoring

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

Monitoring Committee

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

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

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

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

Reports

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

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

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

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

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

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

Checks

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

B. Assessment

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

ANNEX V

INFORMATION AND PUBLICITY

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

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

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

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

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

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

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

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

COMMISSION DECISION

of 27 October 1993

concerning the granting of assistance from the cohesion financial instrument to the project soil protection, reforestation, forest protection in Greece

No CF: 93/09/61/012 — rev 4

93/09/61/013 — rev 4

93/09/61/014 — rev 4

(Only the Greek text is authentic)

(94/224/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

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

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾, as amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;

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

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

Whereas on 2 July 1993 Greece submitted an application for assistance from the cohesion financial instrument for the project soil protection, reforestation, forest protection;

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

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

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

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Council Regulation (Euratom, ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

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

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

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

HAS ADOPTED THIS DECISION:

Article 1

The project soil protection, reforestation, forest protection situated in Greece as described in Annex I hereto is hereby approved for the period from July 1993 to March 1994.

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 7 580 000.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 6 443 000.
4. The contribution is committed from the 1993 budget.

Article 3

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 3 307 300.

Article 4

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

Article 5

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7, 30,

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

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 27 October 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Project title

Soil protection, reforestation, forest protection

2. Organization responsible for the application

2.1. Name: Ministry of National Economy

2.2. Address: Platia Syntagmatos, Athens

3. Organization responsible for project implementation

3.1. Name: Ministry of Agriculture

3.2. Address: Ippokratous 3—5, Athens

4. Location

4.1. Member State: Greece

4.2. Country: Across the country, shown on maps and specified in relevant documents

5. Description of the project

Technical and horticultural works in the canalization of mountain torrents and protecting mountain soil from erosion. 35 000 ha (small dams, construction of walls to keep material, horticultural work to keep the waters on the mountain area).

Reforestation of denuded-burnt 4 000 ha, construction of anti-fire paths and zones, reservoirs and water supply stations.

Forest-fire prevention (roads, fire-breaks, fire-brigade stations, reservoirs, observatories, supplies and equipment 35 000 ha).

6. Objectives

Nature protection, forest protection, fire prevention, protection of soil, conservation of water on the mountains, surveillance.

7. Timetable (various works)

	Start date	Completion date
Design studies	July 1993	March 1994
Land acquisition		
Main works		
Operational phase		

8. Cost-benefit analysis

Positive economic and social benefit

9. Environmental impact assessment

Positive impact

10. Total costs

ECU 7,580 million

11. The present project does not apply on agriculture land. The species used are indigenous.

ANNEX II

FINANCING PLAN

Project: 93/09/61/012-014 — rev 4

(ECU '000)

Year	Total cost ⁽¹⁾	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
1=2+11	2=4+6+10	% 3=2/1	4	% 5=4/2	6=8+9	% 7=6/2	8	9	10	11	% 12=11/1	13	
1993	5 836	5 836	100	4 961	85	875	15	875					
1994	1 744	1 744	100	1 482	85	262	15	262					
1995													
Total	7 580	7 580	100	6 443	85	1 137	15	1 137					

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

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

Community assistance

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

Commitments and payments

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

Recovery of undue payments

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

Procedure for amending the project decision

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

Procedure for closing a project

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

ANNEX IV

MONITORING AND ASSESSMENT

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

A. Monitoring

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

Monitoring Committee

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

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

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

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

Reports

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

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

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

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

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

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

Checks

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

B. Assessment

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

ANNEX V

INFORMATION AND PUBLICITY

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

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

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

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

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

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

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

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

COMMISSION DECISION

of 27 October 1993

concerning the granting of assistance from the cohesion financial instrument to the project concerning the Goulandris Museum of Natural History — Centre for Environmental Research and Education in Greece

No CF: 93/09/61/070

(Only the Greek text is authentic)

(94/225/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

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

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾, as amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;

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

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

Whereas on 2 July 1993 Greece submitted an application for assistance from the cohesion financial instrument for the project concerning the Goulandris Museum of Natural History — Centre for Environmental Research and Education;

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

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

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

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

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Council Regulation (Euratom, ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

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

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

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

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

1. The project concerning the Goulandris Museum of Natural History — Centre for Environmental Research and Education situated in Greece as described in Annex I hereto is hereby approved for the period from January 1993 to March 1994.
2. References to 'project' in the following Articles and Annexes shall be understood to mean also 'stage of project'.

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 1 003 000.
2. The rate of Community assistance granted to the project shall be fixed at 85%.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 852 550.
4. The contribution is committed from the 1993 budget.

Article 3

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 437 466.

Article 4

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

Article 5

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 27 October 1993.

For the Commission
Peter SCHMIDHUBER
Member of the Commission

ANNEX I

SUMMARY SHEET

1. Project title

Goulandris Museum of Natural History — Centre for Environmental Research and Education

2. Authority making the application

2.1. Name: Ministry of Economic Affairs

2.2. Address: Platia Sintagmatos, Athens

3. Authority responsible for implementation

3.1. Name: Goulandris Museum of Natural History

3.2. Address: Levidou 13, Kifisia, Athens

4. Location

4.1. Member State: Greece

4.2. Region: Attica

5. Description of the project

Feasibility study, establishment of an operational plan of action, project management study.

— Technical implementation studies (architecture, stress analysis, engineering),

— Studies into the arrangement and organization of the premises for exhibitions, workshops, education facilities etc.

6. Objectives

Campaign for the protection of the environment.

Promotion of awareness of environmental research.

Orientation of education towards sustainable development.

7. Timetable

	Start date	Completion date
Studies	January 1993	March 1994
Compulsory purchases		
Principal works		
Entry into operation		

8. Cost-benefit analysis

Of benefit to society

9. Environmental impact assessment

10. Total costs

ECU 1,003 million

The expenditure incurred after 1 January 1993 is eligible.

ANNEX II

FINANCING PLAN

Project: 93/09/61/070

(ECU '000)

Year	Total cost ⁽¹⁾	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
	1=2+11	2=4+6+10	% 3=2/1	4	% 5=4/2	6=8+9	% 7=6/2	8	9	10	11	% 12=11/1	13
1993	772	772	100	656,2	85	115,8	15						
1994	231	231	100	194,3	85	34,7	15						
1995													
Total	1 003	1 003	100	852,5	85	150,5	15						

⁽¹⁾ Total eligible cost of project.

*ANNEX III***FINANCIAL IMPLEMENTING PROVISIONS**

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

Community assistance

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

Commitments and payments

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

Recovery of undue payments

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

Procedure for amending the project decision

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

Procedure for closing a project

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

ANNEX IV

MONITORING AND ASSESSMENT

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

A. Monitoring

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

Monitoring Committee

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

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

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

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

Reports

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

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

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

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

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

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

Checks

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

B. Assessment

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

ANNEX V

INFORMATION AND PUBLICITY

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

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

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

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

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

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

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

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

COMMISSION DECISION

of 27 October 1993

concerning the granting of assistance from the cohesion financial instrument to the project in Greece

- Drainage for the Municipality of Soufli
- Drainage for sewage and rainwater for the town of Chania
- Drainage of Parga
- Drainage in Kiato
- Drainage in Xilokastro
- Central drain for Veria
- Drainage for sewage/rainwater for the town of Veria
- Drainage system for Patra
- Extension of the drainage system and completion of basic drainage work for the Municipality of Egio
- Extension of the drainage system for the town of Karditsa
- Drainage system for Skiathos.

No CF: 93/09/61/021

93/09/61/022

93/09/61/024

93/09/61/031

93/09/61/032

93/09/61/033

93/09/61/049

(Only the Greek text is authentic)

(94/226/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

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

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾, as amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;

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

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

Whereas on 2 July 1993 Greece submitted an application for assistance from the cohesion financial instrument for the project concerning the:

- Drainage for the Municipality of Soufli
- Drainage for sewage and rainwater for the town of Chania
- Drainage of Parga
- Drainage in Kiato
- Drainage in Xilokastro
- Central drain for Veria
- Drainage for sewage/rainwater for the town of Veria
- Drainage system for Patra
- Extension of the drainage system and completion of basic drainage work for the Municipality of Egio

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

- Extension of the drainage system for the town of Karditsa
- Drainage system for Skiathos.

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

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

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

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽¹⁾, as last amended by Council Regulation (Euratom, ECSC, EEC) No 610/90 ⁽²⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

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

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

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

HAS ADOPTED THIS DECISION:

Article 1

1. The stage of the project:

- Drainage for the Municipality of Soufli
- Drainage for sewage and rainwater for the town of Chania
- Drainage of Parga
- Drainage in Kiato
- Drainage in Xilokastro
- Central drain for Veria

- Drainage for sewage/rainwater for the town of Veria
- Drainage system for Patra
- Extension of the drainage system and completion of basic drainage work for the Municipality of Egio
- Extension of the drainage system for the town of Karditsa
- Drainage system for Skiathos

situated in Greece as described in Annex I hereto is hereby approved for the period from January 1993 to March 1994.

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

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 12 964 000.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 11 019 400.
4. The contribution is committed from the 1993 budget.

Article 3

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 5 680 666.

Article 4

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

⁽¹⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽²⁾ OJ No L 70, 16. 3. 1990, p. 1.

Article 5

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 27 October 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Project title

- Drainage for the Municipality of Souflio
- Drainage for sewage and rainwater for the town of Chania
- Drainage for Parga
- Drainage in Kiato
- Drainage in Xilokastro
- Central drain for Veria
- Drainage for sewage/rainwater for the town of Veria
- Drainage system for Patra
- Extension of the drainage system and completion of basic drainage work for the Municipality of Egio
- Extension of the drainage system for the town of Karditsa
- Drainage system for Skiathos.

2. Organization responsible for the application

- 2.1. Name: Ministry of National Economy
- 2.2. Address: Platia Syntagmatos, 10180 Athens

3. Organization responsible for project implementation

- 3.1. Name: Ministry of Interior/Municipalities/Stated owner enterprises
- 3.2. Address: Stadiou 27, Athens

4. Location

- 4.1. Member State: Greece
- 4.2. Country: Souflio/Eastern Macedonia—Thraci, Chania/Kriti, Parga/Ipiros, Kiato—Xilokastro/Peloponnissos, Veria/Central Makedonia, Patra—Egio/W. Greece, Karditsa—Skiathos/Tessalia.

5. Description of the project

93/09/61/021

Construction of a drainage system 18 km long and of pumping stations.

93/09/61/022

Replacement of the earthware pipe with PVC and extension of the rainwater drainage system. Extension length 11 200 m.

93/09/61/024

Construction of a coastal collector sewer, length 2 000 m.

93/09/61/031

Completion of the drainage system for the Municipality of Kiato with 18 km of collector pipes. Construction of final pumping stations (6+2).

Completion of the drainage system for the Municipality of Xilokastro with 2 km of collectors, a compressor pipe of 1,5 km and central pumping station.

93/09/61/032

Construction of the sewage collector pipe for the town of Veria of 3 000 m in length.

Replacement of the old sewage/rainwater drainage system with PVC piping and extension of the system, with a total length of 5 945 m.

93/09/61/033

Central drain, 14 000 m of drainage piping in Patra.

Extension of a drainage system of 8 500 m and a central collector pipe in Egio.

93/09/61/049

Construction of a sewage/rainwater drainage system for the town of Karditsa with 7 km of piping.

Construction of a drainage piping of 2 000 m in Skiathos.

6. Objectives

Completion of sewerage system
 Upgrading of the system (PVC pipes)
 Depollution of the Gulf of Korinth
 Improvement of the existing drainage systems with the replacement of large sections
 Protection of water receivers, as well as of underground and surface-water pollution

7. Timetable (various works)

	Start date	Completion date
Design studies	January 1993	March 1994
Land acquisition		
Main works		
Operational phase		

8. Cost-benefit analysis

Social benefits

9. Environmental impact assessment

Positive impact to the environment and the public health

10. Total costs

ECU 12,964 million

11. The project's specifications should be consistent with the provisions of Council Directive (EEC) No 91/271 ⁽¹⁾.

⁽¹⁾ OJ No L 135, 30. 5. 1991, p. 40.

ANNEX II**FINANCING PLAN**

Project: 93/09/61/021
 93/09/61/022
 93/09/61/024
 93/09/61/031
 93/09/61/032
 93/09/61/033
 93/09/61/049

(ECU '000)

Year	Total cost (1)	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
1=2+11	2=4+6+10	% 3=2/1	4	% 5=4/2	6=8+9	% 7=6/2	8	9	10	11	% 12=11/1	13	
1993	10 025	10 025	100	8 521	85	1 504	15						
1994	2 939	2 939	100	2 497	85	441	15						
1995													
Total	12 964	12 964	100	11 018	85	1 944	15						

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

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

Community assistance

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

Commitments and payments

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

Recovery of undue payments

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

Procedure for amending the project decision

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

Procedure for closing a project

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

Other provisions

16. The second payment is conditional on a commitment by the Member State to undertake the work necessary for connecting the project to water treatment stations under the conditions and within the timescale laid down by the directive (EEC) No 91/271.

In particular, concerning the drainage for the Municipality of Soufli No 93/09/61/021, the second payment is conditional on a commitment by the Member State to connect the installations proposed under this project with a treatment station in order to meet the requirements of the appropriate Community Directives, and not to put into operation the network for collecting waste water until the treatment stations concerned are in operation in accordance with the Directive (EEC) 91/271.

ANNEX IV

MONITORING AND ASSESSMENT

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

A. Monitoring

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

Monitoring Committee

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

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

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

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

Reports

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

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

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

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

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

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

Checks

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

B. Assessment

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

ANNEX V

INFORMATION AND PUBLICITY

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

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

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

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

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

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

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

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

COMMISSION DECISION

of 27 October 1993

concerning the granting of assistance from the cohesion financial instrument to the project in Greece

- Replacement of the internal water-supply system in Patra
- External aqueduct-extension of the internal water-supply system for Ptolemaida
- Internal system for Chalkida
- Water-supply system for the town of Veria
- Water-supply system of Giannitsa
- Water-supply system of Volos
- Water-supply system for the town of Larissa
- Completion and reinforcement of the internal and external water-supply system of Trikala.

No CF: 93/09/61/036

93/09/61/051

93/09/61/052

93/09/61/058

93/09/61/062

(Only the Greek text is authentic)

(94/227/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

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

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾, as amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;

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

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

Whereas on 2 July 1993 Greece submitted an application for assistance from the cohesion financial instrument for the project:

- Replacement of the internal water-supply system in Patra
- External aqueduct-extension of the internal water-supply system for Ptolemaida
- Internal system for Chalkida
- Water-supply system for the town of Veria
- Water-supply system of Giannitsa
- Water-supply system of Volos
- Water-supply system for the town of Larissa
- Completion and reinforcement of the internal and external water-supply system of Trikala;

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

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

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

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

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities⁽¹⁾, as last amended by Council Regulation (Euratom, ECSC, EEC) No 610/90⁽²⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

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

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

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

HAS ADOPTED THIS DECISION:

Article 1

1. The stage of the project:

- Replacement of the internal water-supply system in Patra
- External aqueduct-extension of the internal water-supply system for Ptolemaida
- Internal system for Chalkida
- Water-supply system for the town of Veria
- Water-supply system of Giannitsa
- Water-supply system of Volos
- Water-supply system for the town of Larissa
- Completion and reinforcement of the internal and external water-supply system of Trikala

situated in Greece as described in Annex I hereto is hereby approved for the period from September 1993 to March 1994.

⁽¹⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽²⁾ OJ No L 70, 16. 3. 1990, p. 1.

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

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 8 681 000.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 7 378 850.
4. The contribution is committed from the 1993 budget.

Article 3

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 3 804 000.

Article 4

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

Article 5

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

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 27 October 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Project title

- Replacement of the internal water-supply system in Patra
- External aquaduct extension of internal water supply system for Ptolemaida
- Internal system for Chalkida
- Water-supply system for the town of Veria
- Water-supply system of Giannitsa
- Water-supply system of Volos
- Water-supply system for the town of Larissa
- Completion and reinforcement of the internal and external water-supply system of Trikala.

2. Organization responsible for the application

- 2.1. Name: Ministry of National Economy
- 2.2. Address: Platia Syntagmatos, 10180 Athens

3. Organization responsible for project implementation

- 3.1. Name: Ministry of Interior
- 3.2. Address: 27 Stadiou str. 27, Athens

4. Location

- 4.1. Member State: Greece
- 4.2. Country: Athens
Patras/Western Greece
Ptolemaida/Western Macedonia
Chalkida/Central Greece
Veria, Giannitsa/Central Macedonia
Volos, Larissa, Trikala/Thessalia

5. Description of the project

93/09/61/036

Replacement of the internal water-supply system in Patra.

93/09/61/051

Improvement of the existing water-supply system, construction of an extra 3,5 km to meet the expansion of the town and construction of an external system aqueduct for Ptolemaida, 6 km.

93/09/61/052

Internal system for Chalkida.

93/09/61/058

Replacement and extension of the old water-supply system of Veria, 17 750 m of pipe.

Construction of a water-supply system for the town and of the residential areas around Giannitsa, 12 000 m of piping and compressor pipe.

93/09/61/062

1 500 m steel pipe / 600 for Volos.

Pumping Station, compressor pipe of 8,5 km towards reservoir for Larissa.

Pumping station and 1 000 m pipes for Trikala.

6. Objectives

- The economizing of water resources by reducing leaks put at 50 % of the amount pumped, caused exclusively by defects in the old system.

- The improvement of the existing water-supply system, the construction of a new system to meet the expansion of the town, and also the construction of an external system — aqueduct comprising new water sources.
- Main aims are: improvement of the water-supply system and its automation; also the minimization of leaks.
- Improvement of the quality and increase of the availability of the water.
- Improvement and extension of the existing water-supply system. Achievement of adequate conditions for the water flow.

7. Timetable

	Start date	Completion date
Design studies	January 1993	March 1994
Land acquisition		
Main works		
Operational phase		

8. Cost-benefit analysis

Social benefits, improvement of the quality of life.

9. Environmental impact assessment

Positive effect, improvement of public health.

10. Total costs

ECU 8,681 million.

11. The project's specifications should be consistent with the provisions of Council Directive (EEC) No 80/778 ⁽¹⁾.

⁽¹⁾ OJ No L 229, 30. 8. 1980, p. 11.

ANNEX II FINANCING PLAN

Project: 93/09/61/036
93/09/61/051
93/09/61/052
93/09/61/058
93/09/61/062

(ECU '000)

Year	Total cost ⁽¹⁾	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
1=2+11	2=4+6+10	% 3=2/1	4	% 5=4/2	6=8+9	% 7=6/2	8	9	10	11	% 12=11/1	13	
1993	6 712	6 712	100	5 706	85	1 006	15						
1994	1 969	1 969	100	1 672	85	297	15						
1995													
Total	8 681	8 681	100	7 378	85	1 303	15						

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

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

Community assistance

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

Commitments and payments

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

Recovery of undue payments

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

Procedure for amending the project decision

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

Procedure for closing a project

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

Other provisions

16. The second payment is conditional on the presentation by the Member State of information necessary to assess the conformity of the project to Community legislation which applies in this case.

The second payment is conditional on the presentation by the Member State of information on public expenditure for the individual sub-projects enabling a relevant cost examination.

ANNEX IV

MONITORING AND ASSESSMENT

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

A. Monitoring

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

Monitoring Committee

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

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

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

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

Reports

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

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

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

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

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

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

Checks

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

B. Assessment

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

ANNEX V

INFORMATION AND PUBLICITY

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

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

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

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

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

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

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

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

COMMISSION DECISION

of 27 October 1993

concerning the grant of assistance from the cohesion financial instrument to the project in
Greece

- Water-supply system
- Water-supply system for the southern part of the town of Argos
- Water-supply system for the town of Tripolis
- Water-supply system — drainage system of Livadia
- Stage II of the drainage system and water-supply system of Lamia.

No CF: 93/09/61/056

93/09/61/059

93/09/61/064

(Only the Greek text is authentic)

(94/228/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No 792/93
of 30 March 1993 establishing a cohesion financial
instrument ⁽¹⁾, and in particular Article 8 (6) thereof,Whereas Article 1 of Regulation (EEC) No 792/93
establishes a cohesion financial instrument to provide
Community support for projects in the fields of the
environment and trans-European transport infrastructure
networks;Whereas pursuant to Article 9 of Regulation (EEC)
No 792/93 certain provisions of Titles VI and VII of
Council Regulation (EEC) No 4253/88 of 19 December
1988 concerning the provisions for implementing
Regulation (EEC) No 2052/88 as regards coordination of
the activities of the different Structural Funds between
themselves and with the operations of the European
Investment Bank and the other existing financial
instruments ⁽²⁾, as amended by Regulation (EEC)
No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;Whereas Article 2 of Regulation (EEC) No 792/93
defines the types of measure for which the cohesion
financial instrument may provide assistance;Whereas Article 10 of Regulation (EEC) No 792/93
requires the Member States to ensure that adequate
publicity is given to the operations of the financial
instrument and that the measures which are described in
Annex V to this Decision are undertaken;Whereas on 2 July 1993 Greece submitted an application
for assistance from the cohesion financial instrument for
the project concerning the:

- Water-supply system
- Water-supply system for the southern part of the
town of Argos
- Water-supply system for the town of Tripolis
- Water-supply system — drainage system of Livadia
- Stage II of the drainage system and water-supply
system of Lamia;

Whereas that application concerns a project which is
eligible under the terms of Article 2 of Regulation (EEC)
No 792/93;Whereas the application for assistance contains all the
information required by Article 8 (4) of the Regulation
and satisfies the criteria set out in Article 8 (3) and (5) of
the Regulation;Whereas the project is the result of measures taken in
accordance with Article 130s of the Treaty;Whereas Article 1 of the Financial Regulation of
21 December 1977 applicable to the general budget
of the European Communities ⁽⁴⁾, as last amended
by Council Regulation (Euratom, ECSC, EEC) No
610/90 ⁽⁵⁾, states that the legal commitments entered into
for measures extending over more than one financial year
shall contain a time limit for implementation which must
be specified to the recipient in due form when the aid is
granted;⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

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

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

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

HAS ADOPTED THIS DECISION:

Article 1

1. The stage of the project:

- Water-supply system
- Water-supply system for the southern part of the town of Argos
- Water-supply system for the town of Tripolis
- Water-supply system — drainage system of Livadia
- Stage II of the drainage system and water-supply system of Lamia

situated in Greece as described in Annex I hereto is hereby approved for the period from January 1993 to March 1994.

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

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 4 885 000.

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

3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 4 152 250.

4. The contribution is committed from the 1993 budget.

Article 3

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

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

3. The amount of the first advance payment shall be fixed at ECU 2 140 666.

Article 4

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

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

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

Article 5

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

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 27 October 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Project title

- Water-supply system
- Water-supply system for the town of Argos
- Water-supply system of Tripolis
- Water-supply system — drainage system of Livadia
- Stage II of the drainage system and water-supply system of Lamia.

2. Organization responsible for the application

2.1. Name: Ministry of National Economy

2.2. Address: Platia Syntagmatos, Athens

3. Organization responsible for project implementation

3.1. Name: Ministry of Interior (State companies of water-supply)

3.2. Address: Stadiou str. 27, Athens

4. Location

4.1. Member State: Greece

4.2. Country: Florina/Western Macedonia, Argos/Peloponnissos Livadia, Lamia/Central Greece

5. Description of the project

Water-supply system for Florina (10 km).

Water-supply system for the town of Argos.

Construction/replacement of 10 km of pipes and of a reservoir.

Water-supply system for the town of Tripoli and the gradual replacement of the asbestos piping and damaged sections of the internal aqueduct using PVC piping, 20 km.

Construction and laying of 6,5 km and 5,8 km of sewage/rainwater drainage system piping for the Municipality of Livadia. Construction of a reservoir of 500 m³.

Construction of a sewage/rainwater drainage system and water-supply system totalling 3,5 km, 1,5 km and 8,3 km in the Municipality of Lamia.

6. Objectives

Completion of pipe-systems

Replacement of the pipes in the sake of health protection

Leakage control

Upgrading of the system, water pollution control, protection of underground and ground water.

7. Timetable

	Start date	Completion date
Design studies	January 1993	March 1994
Land acquisition		
Main works		
Operational phase		

8. Cost-benefit analysis

Social benefit

9. Environmental impact assessment

Positive impact on environment and public health

10. Total costs

ECU 4,885 million

11. The project's specifications should be consistent with the provisions of Council Directive (EEC) No 91/271 ⁽¹⁾.The projects's specifications should be consistent with the provisions of Council Directive (EEC) No 80/778 ⁽²⁾.⁽¹⁾ OJ No L 135, 30. 5. 1991, p. 40.⁽²⁾ OJ No L 229, 30. 8. 1980, p. 11.

ANNEX II

FINANCING PLAN

Project: 93/09/61/056
 93/09/65/059
 93/09/61/064

(ECU '000)

Year	Total cost ⁽¹⁾	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
			%		%	Total	%	Central government	Other			%	
	1=2+11	2=4+6+10	3=2/1	4	5=4/2	6=8+9	7=6/2	8	9	10	11	12=11/1	13
1993	3 777	3 777	100	3 211	85	566	15						
1994	1 108	1 108	100	941	85	167	15						
1995													
Total	4 885	4 885	100	4 152	85	733	15						

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

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

Community assistance

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

Commitments and payments

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

Recovery of undue payments

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

Procedure for amending the project decision

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

Procedure for closing a project

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

Other provisions

16. The second payment is conditional on the presentation by the Member State of information necessary to assess the conformity of the project to Community legislation which applies in this case.

The second payment is conditional on the presentation by the Member State of information on public expenditure for the individual sub-projects enabling a relevant cost examination.

ANNEX IV

MONITORING AND ASSESSMENT

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

A. Monitoring

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

Monitoring Committee

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

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

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

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

Reports

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

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

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

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

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

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

Checks

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

B. Assessment

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

ANNEX V

INFORMATION AND PUBLICITY

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

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

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

(1) OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

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

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

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

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

COMMISSION DECISION

of 15 November 1993

concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Dublin (Ballymore Eustace) water supply (Stage 1)

No CF: 93/07/61/012

(Only the English text is authentic)

(94/229/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

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

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾ amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;

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

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

Whereas on 24 June 1993 Ireland submitted an application for assistance from the cohesion financial instrument for the project Dublin (Ballymore Eustace) water supply (Stage 1);

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

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

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

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

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

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Council Regulation (Euratom ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

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

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision;

Whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93;

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

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

1. The project Dublin (Ballymore Eustace) water supply (Stage 1) situated in Ireland as described in Annex I hereto is hereby approved for the period from 1 January 1993 to 31 March 1994.
2. References to 'project' in the following Articles and Annexes shall be understood to mean also 'stage of project'.

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 6 201 000.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 5 270 000.
4. The contribution is committed from the 1993 budget.

Article 3

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 2 833 333.

Article 4

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Ireland and for which the requisite finance has been specifically allocated to works to be completed not later than 31 March 1994.
2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.

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

Article 5

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

This Decision is addressed to Ireland.

Done at Brussels, 15 November 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Name of project

Dublin (Ballymore Eustace) water supply

2. Organization responsible for the application

2.1. Name: Department of the Environment

2.2. Address: Water and sanitary services section,
O'Connell Bridge House
Dublin 2
Ireland

3. Organization responsible for project implementation

3.1. Name: Dublin Corporation

3.2. Address: Civic Offices, Wood Quay
Dublin 8

4. Location of project

4.1. Member State: Ireland

4.2. District: County Dublin

5. Description of project

The funding requested is intended to cover the first stage of a major water supply project. It will include the preliminary report on the project, the cost-benefit analysis and the detailed design and contract stages.

6. Objectives

The principal objectives of the whole project are to improve drinking water quality and to meet the immediate and foreseeable water needs of the greater Dublin area. The project is intended to provide production stability for the entire Dublin water supply system and sufficient storage to cope with demand fluctuations.

7. Timetable

	Start date	Completion date
Design studies	3. 1. 1991	1993
Land acquisition	5. 2. 1991	1994
Main works	1994	1998
Operational phase	1999	

8. Cost-benefit analysis

The cost-benefit analysis of the project assumes the following economic benefits:

- direct economic impact of implementation,
- savings of ongoing capital investment to maintain the existing plant in operation,
- reduced fire damage due to improved water flow,
- impact on industrial and commercial development,
- impact on tourism,
- impact on fishing, industry and agriculture,
- residual value.

The internal rate of return on the project is estimated at 14,1 %.

9. Environmental impact assessment

In accordance with the provisions of the European Communities (environmental impact assessment) Regulations, 1989, which transposes Council Directive 85/337/EEC⁽¹⁾ into Irish law, an environmental impact assessment was not required for this project. Environmental considerations have been taken into account as part of the planning of the project which has been designed on the basis of minimizing the impact on the environment. This project is not situated in a designated sensitive area. It is consistent with the Irish authorities commitment to implement measures to prevent, reduce or eliminate any significant adverse effects on man, water, air, soils, landscape, flora and fauna and cultural heritage.

10. Total costs

(ECU million)

Total costs	Expenditure before eligible date ⁽¹⁾	Total eligible costs
6,201	—	6,201

⁽¹⁾ Expenditure incurred after 1 January 1993 is eligible.

⁽¹⁾ OJ No L 175, 5. 7. 1985, p. 40.

ANNEX II

FINANCING PLAN

Project: 93/07/61/012

(ECU '000)

Year	Total cost (1)	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
1=2+11	2=4+6+10	% 3=2/1	4	% 5=4/2	6=8+9	% 7=6/2	8	9	10	11	% 12=11/1	13	
1993	5 000	5 000	100	4 250	85	750	15	750					
1994	1 201	1 201	100	1 021	85	180	15	180					
1995													
Total	6 201	6 201	100	5 271	85	930	15	930					

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

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

Community assistance

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

Commitments and payments

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

Recovery of undue payments

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

Procedure for amending the project decision

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

Procedure for closing a project

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

ANNEX IV

MONITORING AND ASSESSMENT

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

A. Monitoring

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

Monitoring Committee

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

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

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

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

Reports

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

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

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

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

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

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

Checks

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

B. Assessment

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

ANNEX V

INFORMATION AND PUBLICITY

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

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

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

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

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

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

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.
3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

COMMISSION DECISION

of 15 November 1993

concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Dublin Ringsend and Dublin North sludge treatment (Stage 1)

No CF: 93/07/61/013

(Only the English text is authentic)

(94/230/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

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

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾ amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;

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

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

Whereas on 28 July 1993 Ireland submitted an application for assistance from the cohesion financial instrument for the project Dublin Ringsend and Dublin North sludge treatment (Stage 1);

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

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

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

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

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

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Council Regulation (Euratom ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

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

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision;

Whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93;

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

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

1. The project Dublin Ringsend and Dublin North sludge treatment (Stage 1) situated in Ireland as described in Annex I hereto is hereby approved for the period from 1 March 1993 to 31 March 1994.

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

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 1 875 000.

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

3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 1 593 750.

4. The contribution is committed from the 1993 budget.

Article 3

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

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

3. The amount of the first advance payment shall be fixed at ECU 1 062 500.

Article 4

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

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

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

Article 5

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

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

This Decision is addressed to Ireland.

Done at Brussels, 15 November 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Name of project

Dublin Ringsend and Dublin North sludge treatment (Stage 1)

2. Organization responsible for the application

2.1. Name: Department of the Environment

2.2. Address: Water and sanitary services section,
O'Connell Bridge House
Dublin 2
Ireland

3. Organization responsible for project implementation

3.1. Name: Dublin Corporation

3.2. Address: Civic Offices, Wood Quay
Dublin 2

4. Location of project

4.1. Member State: Ireland

4.2. District: Dublin City

5. Description of project

First stage (cost-benefit analysis, preliminary report and environmental impact study) of a major project for the treatment and disposal of sewage sludge from the Ringsend (Dublin City) treatment plant and the proposed treatment plan near Howth.

6. Objectives

- Elimination of sludge dumping at sea
- Compliance with the Urban Waste Water Directive
- Removal of visible pollution and odour in Dublin Bay
- Improve quality of bathing water
- Improve water quality for offshore fishing
- Improve prospects for economic development in Dublin Bay area.

7. Timetable

	Start date	Completion date
Design studies	1990	1995
Land acquisition	1993	1995
Main works	1996	1999
Operational phase	2000	

8. Cost-benefit analysis

While the project has not yet been fully defined, the preliminary CBA indicates that an end to dumping of sludge at sea will have benefits for tourism, fisheries, increased commercial and industrial development plus benefits from the construction of the scheme and re-use of sludge. The CBA indicates an internal rate of return of 9%.

9. Environmental impact assessment

An environmental impact assessment, in accordance with procedures laid down in part IV of the Local Government (Planning and Development) Regulations 1990 and Council Directive 85/337/EEC ⁽¹⁾ on environmental impact assessment, will be undertaken prior to authorization of the final option chosen.

10. Total costs

(ECU million)

Total costs	Expenditure before eligible date ⁽¹⁾	Total eligible costs
1,875	—	1,875

⁽¹⁾ Expenditure incurred after 1 January 1993 is eligible.

⁽¹⁾ OJ No L 175, 5. 7. 1985, p. 40.

ANNEX II

FINANCING PLAN

Project: 93/07/61/013

(ECU '000)

Year	Total cost (1)	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
1=2+11	2=4+6+10	% 3=2/1	4	% 5=4/2	6=8+9	% 7=6/2	8	9	10	11	% 12=11/1	13	
1993	1 875	1 875	100	1 594	85	281	15	281					
1994													
1995													
Total	1 875	1 875	100	1 594	85	281	15	281					

⁽¹⁾ Total eligible cost of project.

ANNEX III**FINANCIAL IMPLEMENTING PROVISIONS**

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

Community assistance

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

Commitments and payments

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

Recovery of undue payments

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

Procedure for amending the project decision

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

Procedure for closing a project

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

ANNEX IV

MONITORING AND ASSESSMENT

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

A. Monitoring

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

Monitoring Committee

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

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

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

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

Reports

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

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

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

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

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

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

Checks

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

B. Assessment

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

ANNEX V

INFORMATION AND PUBLICITY

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

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

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

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

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

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

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

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

COMMISSION DECISION

of 15 November 1993

concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Waterford main drainage (Stage 1)

No CF: 93/07/61/021

(Only the English text is authentic)

(94/231/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

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

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾ amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;

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

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

Whereas on 28 July 1993 Ireland submitted an application for assistance from the cohesion financial instrument for the project Waterford main drainage (Stage 1);

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

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

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

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

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

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Council Regulation (Euratom ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

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

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision;

Whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93;

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

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

1. The project Waterford main drainage (Stage 1) situated in Ireland as described in Annex I hereto is hereby approved for the period from 1 January 1993 to 31 March 1994.

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

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 2 070 000.

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

3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 1 759 500.

4. The contribution is committed from the 1993 budget.

Article 3

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

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

3. The amount of the first advance payment shall be fixed at ECU 1 173 000.

Article 4

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

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

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

Article 5

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

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

This Decision is addressed to Ireland.

Done at Brussels, 15 November 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Name of project

Waterford main drainage (Stage 1)

2. Organization responsible for the application

2.1. Name: Department of the Environment

2.2. Address: Water and Sanitary Services Section
O'Connell Bridge House
Dublin 2

3. Organization responsible for project implementation

3.1. Name: Waterford Corporation

3.2. Address: City Hall, Waterford

4. Location of project

4.1. Member State: Ireland

4.2. County: County Waterford

5. Description of project

The funding sought is for the planning and initial construction phase of a water treatment scheme which will include a pumping station at Waterpark, a secondary treatment works downstream from the pumping station and an appropriate secondary waste water treatment plant to serve the city, with provision for sludge treatment and disposal.

6. Objectives

- Compliance with the Urban Waste Water Directive
- Elimination of flooding in low-lying parts of the city
- To allow for discharge of waste water in all tidal and storm conditions
- To protect public health
- To improve water quality for mariculture, recreation and tourism purposes
- To protect aquatic life in Suir Estuary
- To remove existing development constraints in Waterford city and surrounding area.

7. Timetable

	Start date	Completion date
Design studies	1986	1996
Land acquisition		
Main works	1993	2000
Operational phase	2000	

8. Cost-benefit analysis

The cost benefit analysis for the project indicates benefits from increased tourism activity, increased industrial and commercial development and an expanded fisheries industry on the Suir river, in addition to the direct benefits from the construction of the scheme. The CBA shows an internal rate of return of 12,4%.

9. Environmental impact assessment

An environmental impact assessment is not required for this phase of the project. An environmental impact assessment, in accordance with procedures laid down in Part IV of the Local Government (Planning and Development) Regulations 1990 and Council Directive 85/337/EEC⁽¹⁾ on environmental impact assessment, will be undertaken prior to the final authorization of the project.

10. Total costs

(ECU million)

Total costs	Expenditure before eligible date ⁽¹⁾	Total eligible costs
2,07	—	2,07

⁽¹⁾ Expenditure after 1 January 1993 is eligible.

⁽¹⁾ OJ No L 175, 5. 7. 1985, p. 40.

ANNEX II

FINANCING PLAN

Project: 93/07/61/021

(ECU '000)

Year	Total cost (1)	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
1=2+11	2=4+6+10	% 3=2/1	4	% 5=4/2	6=8+9	% 7=6/2	8	9	10	11	% 12=11/1	13	
1993	2 070	2 070	100	1 759	85	311	15	311					
1994													
1995													
Total	2 070	2 070	100	1 759	85	311	15	311					

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

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

Community assistance

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

Commitments and payments

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

Recovery of undue payments

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

Procedure for amending the project decision

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

Procedure for closing a project

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

ANNEX IV

MONITORING AND ASSESSMENT

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

A. Monitoring

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

Monitoring Committee

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

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

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

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

Reports

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

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

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

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

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

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

Checks

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

B. Assessment

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

ANNEX V

INFORMATION AND PUBLICITY

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

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

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

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

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

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

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

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

COMMISSION DECISION

of 15 November 1993

concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Mitchelstown sewerage (Stage 1)

No CF: 93/07/61/024

(Only the English text is authentic)

(94/232/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

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

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾ amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;

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

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

Whereas on 30 June 1993 Ireland submitted an application for assistance from the cohesion financial instrument for the project Mitchelstown sewerage (Stage 1);

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

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

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

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

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

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Council Regulation (Euratom ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

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

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision;

Whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93;

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

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

1. The project Mitchelstown sewerage (Stage 1) situated in Ireland as described in Annex I hereto is hereby approved for the period from 1 January 1993 to 31 March 1994.

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

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 1 723 000.

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

3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 1 464 550.

4. The contribution is committed from the 1993 budget.

Article 3

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

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

3. The amount of the first advance payment shall be fixed at ECU 566 667.

Article 4

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

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

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

Article 5

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

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

This Decision is addressed to Ireland.

Done at Brussels, 15 November 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Name of project

Mitchelstown Sewerage, Stage 1

2. Organization responsible for the application

- 2.1. Name: Department of the Environment
 2.2. Address: Water and Sanitary Services Section
 O'Connell Bridge House
 Dublin 2
 Ireland

3. Organization responsible for project implementation

- 3.1. Name: Cork (North) County Council
 3.2. Address: Annabella, Mallow, County Cork, Ireland

4. Location of project

- 4.1. Member State: Ireland
 4.2. County: County Cork

5. Description of project

Funding is to be provided for the first phase of a project to upgrade the existing sewer network and an existing treatment works to provide secondary treatment.

6. Objectives

- Removal and prevention of water pollution
- Compliance with Council Directive 91/271/EEC ⁽¹⁾
- Preservation and improvement of River Black water fishery
- Servicing of land for urban/economic development.

7. Timetable

	Start date	Completion date
Design studies	March 1987	August 1990
Land acquisition	January 1988	August 1990
Main works	September 1993	February 1995
Operational phase	March 1995	

8. Cost-benefit analysis

The CBA assumes benefits from expanded industrial and commercial development, benefits to agriculture for the use of sludge as a replacement fertiliser and benefits for expanded tourism.

⁽¹⁾ OJ No L 135, 30. 5. 1991, p. 40.

9. Environmental impact assessment

In accordance with the provisions of the European Communities (environmental impact assessment) Regulations, 1989, which transposes Council Directive 85/337/EEC⁽¹⁾ into Irish law, an environmental impact assessment was not required for this project. Environmental considerations have been taken into account as part of the planning of the project which has been designed on the basis of minimizing the impact on the environment. This project is not situated in a designated sensitive area. It is consistent with the Irish authorities commitment to implement measures to prevent, reduce or eliminate any significant adverse effects on man, water, air, soils, landscape, flora and fauna and cultural heritage.

10. Total costs

(ECU million)

Total costs	Expenditure before eligible date ⁽¹⁾	Total eligible costs
1,890	0,167	1,723

⁽¹⁾ Expenditure after 1 January 1993 is eligible.

⁽¹⁾ OJ No L 175, 5. 7. 1985, p. 40.

ANNEX II

FINANCING PLAN

Project: 93/07/61/024

(ECU '000)

Year	Total cost ⁽¹⁾	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
1=2+11	2=4+6+10	% 3=2/1	4	% 5=4/2	6=8+9	% 7=6/2	8	9	10	11	% 12=11/1	13	
1993	1 000	1 000	100	850	85	150	15	150					
1994	723	723	100	615	85	108	15	108					
1995													
Total	1 723	1 723	100	1 465	85	258	15	258				/	

⁽¹⁾ Total eligible cost of project.

ANNEX III**FINANCIAL IMPLEMENTING PROVISIONS**

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

Community assistance

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

Commitments and payments

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

Recovery of undue payments

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

Procedure for amending the project decision

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

Procedure for closing a project

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

ANNEX IV

MONITORING AND ASSESSMENT

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

A. Monitoring

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

Monitoring Committee

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

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

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

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

Reports

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

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

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

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

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

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

Checks

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

B. Assessment

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

ANNEX V

INFORMATION AND PUBLICITY

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

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

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

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

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

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

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

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

COMMISSION DECISION

of 15 November 1993

concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Wicklow town sewerage (Stage 1)

No CF: 93/07/61/025

(Only the English text is authentic)

(94/233/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

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

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾ amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;

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

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

Whereas on 30 June 1993 Ireland submitted an application for assistance from the cohesion financial instrument for the project Wicklow town sewerage (Stage 1);

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

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

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

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

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

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Council Regulation (Euratom ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

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

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision;

Whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93;

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

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

1. The project Wicklow town sewerage (Stage 1) situated in Ireland as described in Annex I hereto is hereby approved for the period from 1 January 1993 to 31 March 1994.

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

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 500 000.

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

3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 425 000.

4. The contribution is committed from the 1993 budget.

Article 3

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

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

3. The amount of the first advance payment shall be fixed at ECU 226 667.

Article 4

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

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

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

Article 5

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

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

This Decision is addressed to Ireland.

Done at Brussels, 15 November 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Name of project

Wicklow town sewerage (Stage 1)

2. Organization responsible for the application

- 2.1. Name: Department of the Environment
 2.2. Address: Water and Sanitary Services Section
 O'Connell Bridge House
 Dublin 2
 Ireland

3. Organization responsible for project implementation

- 3.1. Name: Wicklow County Council
 3.2. Address: Council Offices, Wicklow, County Wicklow

4. Location of project

- 4.1. Member State: Ireland
 4.2. County: County Wicklow

5. Description of project

This proposal is for the planning and design stage of a sewerage treatment works providing secondary treatment of effluent from Wicklow town and the adjacent towns of Ashford and Rathnew.

6. Objectives

- Removal and prevention of pollution and odours
- Compliance with Council Directive 91/271/EEC ⁽¹⁾
- Preservation and improvement of River Vartry fishery
- Improvement of facilities for recreation, fishing, tourism and commercial purposes
- Protection of designated waters for bathing.

7. Timetable

	Start date	Completion date
Design studies	February 1991	1996
Land acquisition		1996
Main works	1997	1999
Operational phase	2000	

8. Cost-benefit analysis

It is assumed that completion of the project will generate industrial, construction and tourism activity, apart from the direct benefits arising from the implementation of the scheme. The CBA shows an internal rate of return of 7,1 %.

⁽¹⁾ OJ No L 135, 30. 5. 1991, p. 40.

9. Environmental impact assessment

An environmental impact assessment, in accordance with procedures laid down in Part IV of the Local Government (Planning and Development) Regulations 1990 and Council Directive 85/337/EEC ⁽¹⁾ on environmental impact assessment, will be undertaken as part of this phase of the project. This is without prejudice to the outcome of the process and prior to any final authorization of the project as a whole.

10. Total costs

(ECU million)

Total costs	Expenditure before eligible date ⁽¹⁾	Total eligible costs
0,5	—	0,5

⁽¹⁾ Expenditure after 1 January 1993 is eligible.

⁽¹⁾ OJ No L 175, 5. 7. 1985, p. 40.

ANNEX II

FINANCING PLAN

Project: 93/07/61/025

(ECU '000)

Year	Total cost ⁽¹⁾	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
	1=2+11	2=4+6+10	% 3=2/1	4	% 5=4/2	6=8+9	% 7=6/2	8	9	10	11	% 12=11/1	13
1993	400	400	100	340	85	60	15	60					
1994	100	100	100	85	85	15	15	15					
1995													
Total	500	500	100	425	85	75	15	75					

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

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

Community assistance

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

Commitments and payments

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

Recovery of undue payments

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

Procedure for amending the project decision

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

Procedure for closing a project

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

ANNEX IV

MONITORING AND ASSESSMENT

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

A. Monitoring

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

Monitoring Committee

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

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

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

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

Reports

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

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

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

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

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

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

Checks

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

B. Assessment

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

ANNEX V

INFORMATION AND PUBLICITY

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

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

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

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

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

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

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

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

COMMISSION DECISION

of 15 November 1993

concerning the grant of assistance from the cohesion financial instrument to the following
project in Ireland: Ennis main drainage

No CF: 93/07/61/028

(Only the English text is authentic)

(94/234/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

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

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾ amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;

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

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

Whereas on 30 June 1993 Ireland submitted an application for assistance from the cohesion financial instrument for the project Ennis main drainage;

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

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

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

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

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Council Regulation (Euratom ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

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

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision;

Whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93;

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

HAS ADOPTED THIS DECISION:

Article 1

The project Ennis main drainage situated in Ireland as described in Annex I hereto is hereby approved for the period from 1 January to 30 September 1993.

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 1 428 000.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 1 213 800.
4. The contribution is committed from the 1993 budget.

Article 3

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 809 200.

Article 4

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

Article 5

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

This Decision is addressed to Ireland.

Done at Brussels, 15 November 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Name of project

Ennis main drainage

2. Organization responsible for the application

2.1. Name: Department of the Environment

2.2. Address: Water and Sanitary Services Section
O'Connell Bridge House
Dublin 2

3. Organization responsible for project implementation

3.1. Name: Clare County Council

3.2. Address: Court House, Ennis, County Clare

4. Location of project

4.1. Member State: Ireland

4.2. County: County Clare

5. Description of project

The scheme will provide the sewage infrastructure to collect effluent for transfer to the existing treatment works. The work will involve the construction of two pumping stations and the laying of approximately 3 400 m of sewers and mains.

6. Objectives

- To comply with the Urban Waste Water Directive
- To eliminate the untreated discharge of sewage from a major urban centre
- To eliminate a threat to the source of the town's drinking water supply
- To allow for commercial and tourism development.

7. Timetable

	Start date	Completion date
Design studies	June 1988	December 1988
Land acquisition	June 1988	June 1990
Main works	January 1993	August 1993
Operational phase	September 1993	

8. Cost-benefit analysis

The cost-benefit analysis states that the main benefits from the project will come from increased tourism and increased commercial and industrial development in addition to the direct benefits from the construction phase. The internal rate of return is estimated at 6,7 %.

9. Environmental impact assessment

In accordance with the provisions of the European Communities (environmental impact assessment) Regulations, 1989, which transposes Council Directive 85/337/EEC⁽¹⁾ into Irish law, an environmental impact assessment was not required for this project. Environmental considerations have been taken into account as part of the planning of the project which has been designed on the basis of minimizing the impact on the environment. This project is not situated in a designated sensitive area. It is consistent with the Irish authorities commitment to implement measures to prevent, reduce or eliminate any significant adverse effects on man, water, air, soils, landscape, flora and fauna and cultural heritage.

10. Total costs

(ECU million)

Total costs	Expenditure before eligible date ⁽¹⁾	Total eligible costs
1,553	0,125	1,428

⁽¹⁾ Expenditure after 1 January 1993 is eligible.

⁽¹⁾ OJ No L 175, 5. 7. 1985, p. 40.

ANNEX II

FINANCING PLAN

Project: 93/07/61/028

(ECU '000)

Year	Total cost (1)	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
1=2+11	2=4+6+10	3=2/1	4	5=4/2	6=8+9	7=6/2	8	9	10	11	% 12=11/1	13	
1993	1 428	1 428	100	1 214	85	214	15	214					
1994													
1995													
Total	1 428	1 428	100	1 214	85	214	15	214					

⁽¹⁾ Total eligible cost of project.

ANNEX III**FINANCIAL IMPLEMENTING PROVISIONS**

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

Community assistance

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

Commitments and payments

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

Recovery of undue payments

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

Procedure for amending the project decision

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

Procedure for closing a project

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

ANNEX IV

MONITORING AND ASSESSMENT

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

A. Monitoring

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

Monitoring Committee

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

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

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

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

Reports

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

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

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

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

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

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

Checks

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

B. Assessment

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

ANNEX V

INFORMATION AND PUBLICITY

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

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

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

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

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

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

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

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

COMMISSION DECISION

of 15 November 1993

concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Tuam regional water supply (Stage 1)

No CF: 93/07/61/029

(Only the English text is authentic)

(94/235/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

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

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾ amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;

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

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

Whereas on 30 June 1993 Ireland submitted an application for assistance from the cohesion financial instrument for the project Tuam regional water supply (Stage 1);

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

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC)

No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of that Regulation;

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

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

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

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Council Regulation (Euratom ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

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

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision;

Whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93;

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

HAS ADOPTED THIS DECISION:

Article 1

1. The project Tuam regional water supply (Stage 1) situated in Ireland as described in Annex I hereto is hereby approved for the period from 1 January 1993 to 31 March 1994.

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

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

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 3 357 000.

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

3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 2 853 450.

4. The contribution is committed from the 1993 budget.

Article 3

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

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

3. The amount of the first advance payment shall be fixed at ECU 1 902 300.

Article 4

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

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

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

Article 5

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

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

This Decision is addressed to Ireland.

Done at Brussels, 15 November 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Name of project

Tuam water supply (Stage 1)

2. Organization responsible for the application

2.1. Name: Department of the Environment

2.2. Address: Water and Sanitary Services Section
O'Connell Bridge House
Dublin 2

3. Organization responsible for project implementation

3.1. Name: Galway County Council

3.2. Address: County Buildings, Prospect Hill, Galway

4. Location of project

4.1. Member State: Ireland

4.2. County: County Galway

5. Description of project

The funding requested is for the planning and design stage of a project to construct a water intake from Lough Corrib, treatment works, rising mains, high level storage reservoir and supply water main to cater for domestic, agricultural and industrial needs of Tuam and the surrounding area.

6. Objectives

- Improvement of drinking water quality to comply more fully with Council Directive 80/778/EEC ⁽¹⁾ on drinking water
- Increase in storage capacity
- Reduction of leakage
- Provision of water for industrial, agri-food, commercial and tourism development

7. Timetable

	Start date	Completion date
Design studies	March 1985	March 1994
Land acquisition	1990	September 1991
Main works	1994	January 1997
Operational phase	1997	

8. Cost-benefit analysis

The cost-benefit analysis indicates benefits to agriculture, industrial and commercial development and tourism in addition to direct benefits from the construction of the project. The CBA shows an internal rate of return of 9,4 %.

⁽¹⁾ OJ No L 229, 30. 8. 1980, p. 11.

9. Environmental impact assessment

In accordance with the provisions of the European Communities (environmental impact assessment) Regulations, 1989, which transposes Council Directive 85/337/EEC ⁽¹⁾ into Irish law, an environmental impact assessment was not required for this project. Environmental considerations have been taken into account as part of the planning of the project which has been designed on the basis of minimizing the impact on the environment. This project is not situated in a designated sensitive area. It is consistent with the Irish authorities commitment to implement measures to prevent, reduce or eliminate any significant adverse effects on man, water, air, soils, landscape, flora and fauna and cultural heritage.

10. Total costs

(ECU million)

Total costs	Expenditure before eligible date ⁽¹⁾	Total eligible costs
3,751	0,394	3,357

⁽¹⁾ Expenditure after 1 January 1993 is eligible.

⁽¹⁾ OJ No L 175, 5. 7. 1985, p. 40.

ANNEX II

FINANCING PLAN

Project: 93/07/61/029

(ECU '000)

Year	Total cost (1')	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
1=2+11	2=4+6+10	3=2/1	4	5=4/2	6=8+9	7=6/2	8	9	10	11	12=11/1	13	
1993	3 357	3 357	100	2 853	85	504	15	504					
1994													
1995													
Total	3 357	3 357	100	2 853	85	504	15	504					

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

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

Community assistance

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

Commitments and payments

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

Recovery of undue payments

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

Procedure for amending the project decision

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

Procedure for closing a project

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

ANNEX IV

MONITORING AND ASSESSMENT

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

A. Monitoring

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

Monitoring Committee

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

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

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

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

Reports

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

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

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

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

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

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

Checks

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

B. Assessment

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

ANNEX V

INFORMATION AND PUBLICITY

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

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

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

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

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

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

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

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

COMMISSION DECISION

of 15 November 1993

concerning the grant of assistance from the cohesion financial instrument to the following
project in Ireland: Wexford main drainage (Stage 1)

No CF: 93/07/61/031

(Only the English text is authentic)

(94/236/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

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

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾ amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;

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

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

Whereas on 7 July 1993 Ireland submitted an application for assistance from the cohesion financial instrument for the project Wexford main drainage (Stage 1);

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

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

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

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

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

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Council Regulation (Euratom ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

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

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision;

Whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93;

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

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

1. The project Wexford main drainage (Stage 1) situated in Ireland as described in Annex I hereto is hereby approved for the period from 1 January 1993 to 31 March 1994.

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

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 5 248 000.

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

3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 4 460 800.

4. The contribution is committed from the 1993 budget.

Article 3

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

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

3. The amount of the first advance payment shall be fixed at ECU 1 700 000.

Article 4

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

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

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

Article 5

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

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

This Decision is addressed to Ireland.

Done at Brussels, 15 November 1993.

For the Commission
Peter SCHMIDHUBER
Member of the Commission

ANNEX I

SUMMARY SHEET

1. Name of project

Wexford main drainage (Stage 1)

2. Organization responsible for the application

2.1. Name: Department of the Environment

2.2. Address: Water and Sanitary Services Section
O'Connell Bridge House
Dublin 2

3. Organization responsible for project implementation

3.1. Name: Wexford Corporation

3.2. Address: Municipal Buildings, Wexford

4. Location of project

4.1. Member State: Ireland

4.2. County: County Wexford

5. Description of project

The funding sought is for the first phase (planning, design and initial construction) of a comprehensive sewage collection network for the town and the surrounding area, together with modern secondary and sludge treatment facilities

6. Objectives

- Compliance with the urban Waster Water Directive
- Compliance with the Salmonid Water Directive
- Elimination of visible pollution, odours and the risk of flooding in Wexford town
- Improvement of water quality to allow for development of fishing and shellfish industries
- Expansion of tourism and recreation activities
- Removal of constraints on commercial and industrial development.

7. Timetable

	State Date	Completion Date
Design studies	January 1986	March 1994
Land acquisition	January 1993	May 1994
Main works	February 1993	December 1996
Operational phase	December 1996	

8. Cost-benefit analysis

The cost-benefit analysis states that tourism is likely to be the single largest beneficiary from the project. However, additional benefits to local fisheries and industrial and commercial activity are identified as well as the direct benefits from the construction of the project. The CBA shows an internal rate of return of 7,2 %.

9. Environmental impact assessment

An environmental impact assessment has been completed and certified by the Minister for the Environment.

10. Total costs

(ECU million)

Total costs	Expenditure before eligible date ⁽¹⁾	Total eligible costs
5,688	0,44	5,248

⁽¹⁾ Expenditure after 1 January 1993 is eligible.

ANNEX II

FINANCING PLAN

Project: 93/07/61/031

(ECU '000)

Year	Total cost ⁽¹⁾	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
1=2+11	2=4+6+10	3= 2/1	4	5= 4/2	6=8+9	7=6/2	8	9	10	11	% 12=11/1	13	
1993	3 000	3 000	100	2 550	85	450	15	450					
1994	2 248	2 248	100	1 911	85	337	15	337					
1995													
Total	5 248	5 248	100	4 461	85	787	15	787					

⁽¹⁾ Total eligible cost of project.

*ANNEX III***FINANCIAL IMPLEMENTING PROVISIONS**

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

Community assistance

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

Commitments and payments

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

Recovery of undue payments

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

Procedure for amending the project decision

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

Procedure for closing a project

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

ANNEX IV

MONITORING AND ASSESSMENT

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

A. Monitoring

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

Monitoring Committee

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

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

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

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

Reports

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

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

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

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

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

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

Checks

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

B. Assessment

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

ANNEX V

INFORMATION AND PUBLICITY

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

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

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

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

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

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

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

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

COMMISSION DECISION

of 15 November 1993

concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Enniscorthy main drainage (Stage 1)

No CF: 93/07/61/032

(Only the English text is authentic)

(94/237/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

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

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾ amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;

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

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

Whereas on 7 July 1993 Ireland submitted an application for assistance from the cohesion financial instrument for the project Enniscorthy main drainage (Stage 1);

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

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

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

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

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

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Council Regulation (Euratom ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

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

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision;

Whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93;

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

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

1. The project Enniscorthy main drainage (Stage 1) situated in Ireland as described in Annex I hereto is hereby approved for the period from 1 January 1993 to 31 March 1994.

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

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 1 842 000.

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

3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 1 565 700.

4. The contribution is committed from the 1993 budget.

Article 3

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

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

3. The amount of the first advance payment shall be fixed at ECU 566 667.

Article 4

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

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

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

Article 5

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

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

This Decision is addressed to Ireland.

Done at Brussels, 15 November 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Name of project

Enniscorthy main drainage (Stage 1)

2. Organization responsible for the application

2.1. Name: Department of the Environment

2.2. Address: Water and Sanitary Services Section
O'Connell Bridge House
Dublin 2

3. Organization responsible for project implementation

3.1. Name: Enniscorthy Urban District Council

3.2. Address: Enniscorthy, County Wexford, Ireland

4. Location of project

4.1. Member State: Ireland

4.2. County: County Wexford

5. Description of project

The proposal is for the first phase of construction of a new collection system, the replacement of existing defective sewers and culverts, the provision of five pumping stations and connections to an existing secondary treatment plant.

6. Objectives

- Compliance with the Urban Waste Water Directive
- Ensuring quality of drinking water
- Elimination of visible pollution
- Elimination of flooding in town of Enniscorthy
- Improvement in recreational facilities, fishing, tourism and commercial development.

7. Timetable

	Start date	Completion date
Design studies	June 1989	November 1990
Land acquisition		
Main works	September 1993	June 1995
Operational phase	June 1995	

8. Cost-benefit analysis

The cost-benefit analysis identifies the main benefits from the project coming from expanded tourism and industrial development in the area, in addition to the direct benefits from the construction of the project. The CBA shows an internal rate of return of 6,5 %.

9. Environmental impact assessment

In accordance with the provisions of the European Communities (environmental impact assessment) Regulations, 1989, which transposes Council Directive 85/337/EEC⁽¹⁾ into Irish law, an environmental impact assessment was not required for this project. Environmental considerations have been taken into account as part of the planning of the project which has been designed on the basis of minimizing the impact on the environment. This project is not situated in a designated sensitive area. It is consistent with the Irish authorities commitment to implement measures to prevent, reduce or eliminate any significant adverse effects on man, water, air, soils, landscape, flora and fauna and cultural heritage.

10. Total costs

(ECU million)

Total costs	Expenditure before eligible date ⁽¹⁾	Total eligible costs
1,842	—	1,842

⁽¹⁾ Expenditure after 1 January 1993 is eligible.

⁽¹⁾ OJ No L 175, 5. 7. 1985, p. 40.

ANNEX II

FINANCING PLAN

Project: 93/07/61/032

(ECU '000)

Year	Total cost ⁽¹⁾	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
1=2+11	2=4+6+10	% 3=2/1	4	% 5=4/2	6=8+9	% 7=6/2	8	9	10	11	% 12=11/1	13	
1993	1 000	1 000	100	850	85	150	15	150					
1994	842	842	100	716	85	126	15	126					
1995													
Total	1 842	1 842	100	1 566	85	276	15	276					

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

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

Community assistance

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

Commitments and payments

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

Recovery of undue payments

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

Procedure for amending the project decision

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

Procedure for closing a project

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

ANNEX IV

MONITORING AND ASSESSMENT

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

A. Monitoring

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

Monitoring Committee

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

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

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

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

Reports

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

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

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

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

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

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

Checks

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

B. Assessment

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

ANNEX V

INFORMATION AND PUBLICITY

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

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

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

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

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

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

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

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

COMMISSION DECISION

of 15 November 1993

concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Dun Laoghaire main drainage (Stage 1)

No CF: 93/07/61/033

(Only the English text is authentic)

(94/238/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

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

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾ amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;

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

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

Whereas on 7 July 1993 Ireland submitted an application for assistance from the cohesion financial instrument for the project Dun Laoghaire main drainage (Stage 1);

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

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

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

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

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

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Council Regulation (Euratom ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

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

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision;

Whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93;

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

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

1. The project Dun Laoghaire main drainage (Stage 1) situated in Ireland as described in Annex I hereto is hereby approved for the period from 1 January 1993 to 31 March 1994.

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

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 1 525 000.

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

3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 1 296 250.

4. The contribution is committed from the 1993 budget.

Article 3

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

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

3. The amount of the first advance payment shall be fixed at ECU 864 167.

Article 4

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

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

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

Article 5

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

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

This Decision is addressed to Ireland.

Done at Brussels, 15 November 1993.

For the Commission
Peter SCHMIDHUBER
Member of the Commission

ANNEX I

SUMMARY SHEET

1. Name of project

Dun Laoghaire main drainage (Stage 1)

2. Organisation responsible for the application

- 2.1. Name: Department of the Environment
 2.2. Address: Water and Sanitary Services Section
 O'Connell Bridge House
 Dublin 2
 Ireland

3. Organisation responsible for project implementation

- 3.1. Name: Dun Laoghaire Corporation
 3.2. Address: Town Hall, Marine Road, Dun Laoghaire, County Dublin

4. Location of project

- 4.1. Member State: Ireland
 4.2. County: County Dublin

5. Description of project

This is the first phase of a project for the collection and delivery of sewage flows from the Bullock and Colliemore areas to the main Dun Laoghaire pumping station from where the sewage will be pumped to the main treatment works for Dublin city via the existing undersea pipeline.

6. Objectives

- Compliance with Urban Waste Water Directive
- Elimination of raw sewage discharges on the foreshore
- Protection of public health
- Elimination of visible pollution and nuisance
- Improvement of bathing water and recreation facilities.

7. Timetable

	Start date	Completion date
Design studies	14. 12. 1990	25. 7. 1991
Land acquisition	27. 2. 1991	1993
Main works	1994	1997
Operational phase	1998	

8. Cost-benefit analysis

The cost-benefit analysis states that the main benefits of the project will come from increased tourism, improved amenities and expanded industrial and commercial activity, in addition to the direct benefits from the implementation of the scheme. The CBA shows an internal rate of 8,9 % for the project.

9. Environmental impact assessment

In accordance with the provisions of the European Communities (environmental impact assessment) Regulations, 1989, which transposes Council Directive 85/337/EEC ⁽¹⁾ into Irish law, an environmental impact assessment was not required for this project. Environmental considerations have been taken into account as part of the planning of the project which has been designed on the basis of minimizing the impact on the environment. This project is not situated in a designated sensitive area. It is consistent with the Irish authorities commitment to implement measures to prevent, reduce or eliminate any significant adverse effects on man, water, air, soils, landscape, flora and fauna and cultural heritage.

10. Total costs

(ECU million)

Total costs	Expenditure before eligible date ⁽¹⁾	Total eligible costs
1,625	0,100	1,525

⁽¹⁾ Expenditure after 1 January 1993 is eligible.

⁽¹⁾ OJ No L 175, 5. 7. 1985, p. 40.

ANNEX II

FINANCING PLAN

Project: 93/07/61/033

(ECU '000)

Year	Total cost (1)	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
		1=2+11	2=4+6+10	3=2/1	4	5=4/2	6=8+9	7=6/2	8	9	10	11	
1993	1 525	1 525	100	1 296	85	229	15	229					
1994													
1995													
Total	1 525	1 525	100	1 296	85	229	15	229					

⁽¹⁾ Total eligible cost of project.

ANNEX III**FINANCIAL IMPLEMENTING PROVISIONS**

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

Community assistance

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

Commitments and payments

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

Recovery of undue payments

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

Procedure for amending the project decision

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

Procedure for closing a project

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

ANNEX IV

MONITORING AND ASSESSMENT

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

A. Monitoring

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

Monitoring Committee

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

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

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

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

Reports

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

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

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

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

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

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

Checks

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

B. Assessment

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

ANNEX V

INFORMATION AND PUBLICITY

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

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

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

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

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

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

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

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

COMMISSION DECISION

of 15 November 1993

concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Limerick city main drainage (stage 1)

No CF: 93/07/61/035

(Only the English text is authentic)

(94/239/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

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

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾ amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;

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

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

Whereas on 7 July 1993 Ireland submitted an application for assistance from the cohesion financial instrument for the project Limerick city main drainage (stage 1);

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

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

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

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

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

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Council Regulation (Euratom ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

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

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision;

Whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93;

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

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

1. The project Limerick city main drainage (stage 1) situated in Ireland as described in Annex I hereto is hereby approved for the period from 1 January 1993 to 31 March 1994.

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

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 940 000.

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

3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 799 000.

4. The contribution is committed from the 1993 budget.

Article 3

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

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

3. The amount of the first advance payment shall be fixed at ECU 354 167.

Article 4

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

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

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

Article 5

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

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

This Decision is addressed to Ireland.

Done at Brussels, 15 November 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Name of project

Limerick city main drainage (Stage 1)

2. Organisation responsible for the application

- 2.1. Name: Department of the Environment
 2.2. Address: Water and Sanitary Services Section
 O'Connell Bridge House
 Dublin 2

3. Organisation responsible for project implementation

- 3.1. Name: Limerick Corporation
 3.2. Address: City Hall, Limerick

4. Location of project

- 4.1. Member State: Ireland
 4.2. County: County Limerick

5. Description of project

The funding sought is for the planning and design phase of a water treatment scheme which will include interceptor sewers to connect the existing piped systems, pumping stations, secondary and sludge treatment plants and a marine outfall to the Shannon Estuary.

6. Objectives

- Compliance with the Urban Waste Water Directive
- To improve water quality in the River Shannon and thereby increase the amenity value of the river for tourism and recreation purposes
- To provide land with water treatment services available for industrial development
- To remove existing development constraints in Limerick city and the surrounding area.

7. Timetable

	Start date	Completion date
Design studies	1993	1996
Land acquisition	1995	1996
Main works	1997	2000
Operational phase	2000	

8. Cost-benefit analysis

The cost-benefit analysis states that the main benefits from the project will come increased industrial development and tourism, as well as the direct benefits from the construction of the scheme. The CBA shows an internal rate of return for the project of 8,1 %.

9. Environmental impact assessment

An environmental impact assessment is not required for this phase of the project. An environmental impact assessment, in accordance with procedures laid down in Part IV of the Local Government (Planning and Development) Regulations 1990 and Council Directive 85/337/EEC⁽¹⁾ on environmental impact assessment, will be undertaken prior to the final authorization of the project.

⁽¹⁾ OJ No L 175, 5. 7. 1985, p. 40.

10. Total costs

(ECU million)

Total costs	Expenditure before eligible date ⁽¹⁾	Total eligible costs
0,94	—	0,94

⁽¹⁾ Expenditure after 1 January 1993 is eligible.

ANNEX II

FINANCING PLAN

Project: 93/07/61/035

(ECU '000)

Year	Total cost ⁽¹⁾	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
					%		%		%				
	1=2+11	2=4+6+10	3=2/1	4	5=4/2	6=8+9	7=6/2	8	9	10	11	12=11/1	13
1993	625	625	100	531	85	94	15	94					
1994	315	315	100	268	85	47	15	47					
1995													
Total	940	940	100	799	85	141	15	141					

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

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

Community assistance

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

Commitments and payments

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

Recovery of undue payments

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

Procedure for amending the project decision

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

Procedure for closing a project

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

ANNEX IV

MONITORING AND ASSESSMENT

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

A. Monitoring

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

Monitoring Committee

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

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

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

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

Reports

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

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

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

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

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

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

Checks

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

B. Assessment

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

ANNEX V

INFORMATION AND PUBLICITY

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

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

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

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

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

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

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

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

COMMISSION DECISION

of 15 November 1993

concerning the grant of assistance from the cohesion financial instrument to the following
project in Ireland: Limerick city water supply (stage 1)

No CF: 93/07/61/036

(Only the English text is authentic)

(94/240/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

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

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾ amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;

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

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

Whereas on 7 July 1993 Ireland submitted an application for assistance from the cohesion financial instrument for the project Limerick city water supply (stage 1);

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC) No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of that Regulation;

Whereas the project will help achieve the objectives of Article 130r of the Treaty concerning the environment;

Whereas the project is the result of measures taken in accordance with Article 130s of the Treaty;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 792/93, technically and financially discrete stages of the project have been identified for the purpose of granting assistance from the financial instrument;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Council Regulation (Euratom ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision;

Whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93;

Whereas all the other conditions laid down have been complied with,

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

1. The project Limerick city water supply (stage 1) situated in Ireland as described in Annex I hereto is hereby approved for the period from 1 January 1993 to 31 March 1994.
2. References to 'project' in the following Articles and Annexes shall be understood to mean also 'stage of project'.

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 1 438 000.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 1 222 300.
4. The contribution is committed from the 1993 budget.

Article 3

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 510 000.

Article 4

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Ireland and for which the requisite finance has been specifically allocated to works to be completed not later than 31 March 1994.
2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.

3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

Article 5

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7, 30, 52 and 59 of the EC Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.
2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the EC Treaty.

Article 6

Systematic monitoring and assessment of the project take place in accordance with the provisions set out in Annex IV hereto.

Article 7

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

Article 8

Each Annex to this Decision shall form an integral part of it.

Article 9

Failure to comply with the provisions of this Decision or its Annexes may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

Article 10

This Decision is addressed to Ireland.

Done at Brussels, 15 November 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Name of project

Limerick city water supply (Stage 1)

2. Organization responsible for the application

2.1. Name: Department of the Environment

2.2. Address: Water and Sanitary Services Section
O'Connell Bridge House
Dublin 2
Ireland

3. Organization responsible for project implementation

3.1. Name: Limerick Corporation

3.2. Address: City Hall, Limerick

4. Location of project

4.1. Member State: Ireland

4.2. County: County Limerick

5. Description of project

Planning and initial construction phase of 50 000 cubic metre covered reservoir together with a 900 cubic metre water tower and ancillary works.

6. Objectives

- Compliance with Council Directive 80/778/EEC ⁽¹⁾ on drinking water
- Provision of adequate supply of high quality drinking water
- Remove constraints on development of tourism, industry and commercial development in Limerick city

7. Timetable

	Start date	Completion date
Design studies	1985	1991
Land acquisition	1989	1991
Main works	1993	1995
Operational phase	1996	

8. Cost-benefit analysis

The assumed benefits arise mainly from the elimination of wastage at the existing reservoir and from increased tourism and industrial development. The CBA shows an internal rate of 13,9% for the project.

⁽¹⁾ OJ No L 229, 30. 8. 1980, p. 1.

9. Environmental impact assessment

In accordance with the provisions of the European Communities (environmental impact assessment) Regulations, 1989, which transposes Council Directive 85/337/EEC ⁽¹⁾ into Irish law, an environmental impact assessment was not required for this project. Environmental considerations have been taken into account as part of the planning of the project which has been designed on the basis of minimizing the impact on the environment. This project is not situated in a designated sensitive area. It is consistent with the Irish authorities commitment to implement measures to prevent, reduce or eliminate any significant adverse effects on man, water, air, soils, landscape, flora and fauna and cultural heritage.

10. Total costs

(ECU million)

Total costs	Expenditure before eligible date ⁽¹⁾	Total eligible costs
1,796	0,358	1,438

⁽¹⁾ Expenditure after 1 January 1993 is eligible.

⁽¹⁾ OJ No L 175, 5. 7. 1985, p. 40.

ANNEX II

FINANCING PLAN

Project: 93/07/61/036

(ECU '000)

Year	Total cost ⁽¹⁾	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
1=2+11	2=4+6+10	% 3=2/1	4	% 5=4/2	6=8+9	% 7=6/2	8	9	10	11	% 12=11/1	13	
1993	900	900	100	765	85	135	15	135					
1994	538	538	100	457	85	81	15	81					
1995													
Total	1 438	1 438	100	1 222	85	216	15	216					

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of decision according to the procedures described in point 12.

Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Council Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Council Regulation (EEC) No 4253/88. If the authority designated under point 5 does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

Procedure for amending the project decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
 - (a) amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
 - (b) in the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10 % of the total expenditure planned for the project shall not be regarded as a substantial change.

Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
 15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.
-

ANNEX IV

MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
 - the Monitoring Committee set up by each Member State concerned,
 - reports,
 - sample checks.

Monitoring Committee

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Ireland shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Ireland.

5. The Committee shall:
 - (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
 - (b) give its opinion on the draft annual reports on implementation referred to in point 6;
 - (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
 - (d) ensure publicity for the project;
 - (e) ensure that Community policies are respected, especially environment policy;
 - (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

Reports

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

Checks

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

B. Assessment

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.

ANNEX V

INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 80 to 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicize the project using appropriate means, especially audiovisual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC ⁽¹⁾ have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months of adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER
COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

COMMISSION DECISION

of 15 November 1993

concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Lough Mask regional water supply (stage 1)

No CF: 93/07/61/038

(Only the English text is authentic)

(94/241/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾ amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measures for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that measures which are described in Annex V to this Decision are undertaken;

Whereas on 7 July 1993 Ireland submitted an application for assistance from the cohesion financial instrument for the project Lough Mask regional water supply (stage 1);

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC) No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of that Regulation;

Whereas the project will help achieve the objectives of Article 130r of the Treaty concerning the environment;

Whereas the project is the result of measures taken in accordance with Article 130s of the Treaty;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 792/93, technically and financially discrete stages of the project have been identified for the purpose of granting assistance from the financial instrument;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Council Regulation (Euratom ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision;

Whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93;

Whereas all the other conditions laid down have been complied with,

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

1. The project Lough Mask regional water supply (stage 1) situated in Ireland as described in Annex I hereto is hereby approved for the period from 1 January 1993 to 31 March 1994.

2. References to 'project' in the following Articles and Annexes shall be understood to mean also 'stage of project'.

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 1 971 000.

2. The rate of Community assistance granted to the project shall be fixed at 85 %.

3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 1 675 350.

4. The contribution is committed from the 1993 budget.

Article 3

1. Community assistance shall be based on the financial plan for the project set out in Annex II.

2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.

3. The amount of the first advance payment shall be fixed at ECU 1 116 900.

Article 4

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Ireland and for which the requisite finance has been specifically allocated to works to be completed not later than 31 March 1994.

2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.

3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

Article 5

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7, 30, 52 and 59 of the EC Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the EC Treaty.

Article 6

Systematic monitoring and assessment of the project take place in accordance with the provisions set out in Annex IV hereto.

Article 7

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

Article 8

Each Annex to this Decision shall form an integral part of it.

Article 9

Failure to comply with the provisions of this Decision or its Annexes may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

Article 10

This Decision is addressed to Ireland.

Done at Brussels, 15 November 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Name of project

Lough Mask regional water supply (Stage 1)

2. Organization responsible for the application

- 2.1. Name: Department of the Environment
 2.2. Address: Water and Sanitary Services Section
 O'Connell Bridge House
 Dublin 2
 Ireland

3. Organization responsible for project implementation

- 3.1. Name: Mayo County Council
 3.2. Address: County Buildings, Castlebar, County Mayo

4. Location of project

- 4.1. Member State: Ireland
 4.2. County: County Mayo

5. Description of project

The proposal is for an extension of the Lough Mask regional water supply scheme in County Mayo. The funding requested is for the first stage of the construction of a reservoir and central building, building a supply main to the town of Claremorris and connections to the existing distribution system, as well as improvements to the existing system.

6. Objectives

The existing distribution and storage facilities which serve Claremorris, Ballindine and their Hinterlands in south, County Mayo are of poor quality and inadequate to meet present demands. The proposed scheme is designed to meet present and future water demands in terms of both quality and quantity. The new supply will also eliminate reliance on poor quality group water schemes in rural areas between Ballinrobe and Claremorris.

7. Timetable

	Start date	Completion date
Design studies	1985	December 1993
Land acquisition	1986	November 1990
Main works	April 1994	December 1996
Operational phase	January 1997	

8. Cost-benefit analysis

The CBA for the project indicates benefits arising for increased tourism, expanded industrial, commercial and agricultural activity. The internal rate of return for the project is estimated at 10,9%.

9. Environmental impact assessment

In accordance with the provisions of the European Communities (environmental impact assessment) Regulations, 1989, which transposes Council Directive 85/337/EEC ⁽¹⁾ into Irish law, an environmental impact assessment was not required for this project. Environmental considerations have been taken into account as part of the planning of the project which has been designed on the basis of minimizing the impact on the environment. This project is not situated in a designated sensitive area. It is consistent with the Irish authorities commitment to implement measures to prevent, reduce or eliminate any significant adverse effects on man, water, air, soils, landscape, flora and fauna and cultural heritage.

10. Total costs

(ECU million)

Total costs	Expenditure before eligible date ⁽¹⁾	Total eligible costs
1,971	—	1,971

⁽¹⁾ Expenditure after 1 January 1993 is eligible.

⁽¹⁾ OJ No L 175, 5. 7. 1985, p. 40.

ANNEX II

FINANCING PLAN

Project: 93/07/61/038

(ECU '000)

Year	Total cost ⁽¹⁾	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
	1=2+11	2=4+6+10	% 3=2/1	4	% 5=4/2	6=8+9	% 7=6/2	8	9	10	11	% 12=11/1	13
1993	1 971	1 971	100	1 675	85	296	15	296					
1994													
1995													
Total	1 971	1 971	100	1 675	85	296	15	296					

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of decision according to the procedures described in point 12.

Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Council Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Council Regulation (EEC) No 4253/88. If the authority designated under point 5 does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

Procedure for amending the project decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
- (a) amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
 - (b) in the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10 % of the total expenditure planned for the project shall not be regarded as a substantial change.

Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.
-

ANNEX IV

MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
 - the Monitoring Committee set up by each Member State concerned,
 - reports,
 - sample checks.

Monitoring Committee

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Ireland shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Ireland.

5. The Committee shall:
 - (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
 - (b) give its opinion on the draft annual reports on implementation referred to in point 6;
 - (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
 - (d) ensure publicity for the project;
 - (e) ensure that Community policies are respected, especially environment policy;
 - (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

Reports

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

Checks

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

B. Assessment

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
 11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.
-

ANNEX V

INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 80 to 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicize the project using appropriate means, especially audiovisual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC ⁽¹⁾ have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months of adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

COMMISSION DECISION

of 15 November 1993

concerning the grant of assistance from the cohesion financial instrument to a project
concerning the Valladolid eastern bypass in Spain

No CF: 93/11/65/012

(Only the Spanish text is authentic)

(94/242/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾, as amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas on 17 May 1993 the Spanish Government submitted an application for assistance from the cohesion financial instrument for a project concerning the Valladolid eastern bypass;

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC) No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project is a transport infrastructure project of common interest;

Whereas the project forms part of the master plan for a trans-European network concerning road transport;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Regulation (Euratom, ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93 and the provisions contained in Annex VI;

Whereas all the other conditions laid down have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The project concerning the Valladolid eastern bypass as described in Annex I hereto is hereby approved for the period 1 January 1993 to 31 March 1995.

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 26 264 534.
2. The rate of Community assistance granted to the project shall be fixed at 85%.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 22 324 853.
4. The contribution is committed from the 1993 budget.

Article 3

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 8 892 808.

Article 4

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Spain and for which the requisite finance has been specifically allocated to works to be completed not later than 31 March 1995.
2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.
3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

Article 5

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7,

30, 52 and 59 of the EC Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the EC Treaty.

Article 6

Systematic monitoring and assessment of the project shall take place in accordance with the provisions set out in Annex IV hereto.

Article 7

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

Article 8

Each Annex to this Decision shall form an integral part of it.

Article 9

Failure to comply with the provisions of this Decision may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

Article 10

This Decision is addressed to Spain.

Done at Brussels, 15 November 1993.

For the Commission
Peter SCHMIDHUBER
Member of the Commission

ANNEX I

SUMMARY SHEET

1. Project title

Valladolid eastern bypass

2. Authority making the application

2.1. Name: Dirección General de Planificación

2.2. Address: Paseo de la Castellana, 162 — 28071 Madrid

3. Authority responsible for implementation

3.1. Name: Dirección General de Carreteras

3.2. Address: Paseo de la Castellana, 67 — 28071 Madrid

4. Location

4.1. Member State: Spain

4.2. Region: Autonomous Community of Castile-León

5. Brief description

The new eastern bypass to Valladolid will link the northern bypass and the N-601 Valladolid to Toledo road.

The bypass is 8,1 km long and has a design speed of 80 k.p.h. It is planned as an urban expressway with non-grade-separated junctions except where traffic density require interchange.

The typical cross-section has two 7 m carriageways, a central reservation of 5 m, shoulders and a green protection area. The non-urban stretch, between kilometre points 4 and 8, also has 2 m – wide outside shoulders.

The basic project includes four grade-separated interchanges, six non-grade-separated junctions, two screened sections, seven bridges, one pedestrian walkway and 25 small spanning structures, seven of them over the Duero canal.

The plans include drainage, lighting, signalling, accessory works, safety and hygiene.

6. Principal objectives

The main objectives of the project are to improve road safety and provide uniform driving conditions over whole journeys while at the same time reducing the impact of passing traffic on populated areas.

In planning terms, the objective is to facilitate inter-regional communications by improving the main long-distance itineraries and enhancing access to those areas which are most poorly endowed with infrastructure.

In general, measures of this type will avoid the following:

- (a) physical problems affecting the movement of vehicles;
- (b) serious noise, vibration and pollution problems;
- (c) substantial risks;
- (d) low speeds, estimated at about 40 k.p.h.

Quantified objectives:

- improved service over an itinerary used, on average, by 20 000 vehicles per day, of which 20 % are heavy vehicles,
- reduction journey time by 1,5 minutes,
- reduction in the annual number of accidents by 10.

7. Work schedule

Date of commencement: 1 October 1992

Date of completion: 31 March 1995

8. Economic analysis

On the most pessimistic assumptions, ascribing no loss of speed to the present road, either now or in the future, the internal rate of return is 12,5%.

When this section of road is operating, it will be toll-free.

9. Contribution to trans-European networks

Valladolid is on the road from Irún to Fuentes de Oñoro, one of the routes linking France and Portugal. Traffic is heavy, particularly in the summer, and growing.

The project forms part of the urban operational programme in Spain's general road plan. The last of these measures are currently being implemented. Works of this type ensure the continuity required on national roads (21 000 km) passing through towns with more than 50 000 inhabitants.

10. Cost

(ECU '000) ⁽¹⁾

Total cost	26 264,534
Total eligible cost	26 264,534
Total assistance applied for from the cohesion financial instrument	22 324,853

⁽¹⁾ ECU 1 = PTA 155,416.

ANNEX II

FINANCING PLAN

Project: 93/11/65/012

(ECU '000)

Year	Total cost (1)	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
	1=2+11	2=4+6+10	3=2/1	4	5=4/2	6=8+9	7=6/2	8	9	10	11	12=11/1	13
1993	15 693,191	15 693,191	100	13 339,212	85	2 353,979	15	2 353,979					
1994	9 747,928	9 747,928	100	8 285,739	85	1 462,189	15	1 462,189					
1995	823,415	823,415	100	699,902	85	123,513	15	123,513					
Total	26 264,534	26 264,534	100	22 324,853	85	3 939,681	15	3 939,681					

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of the Decision according to the procedures described in point 12.

Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Regulation (EEC) No 4253/88. If the authority does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

Procedure for amending the project Decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
- (a) Amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
 - (b) In the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10 % of the total expenditure planned for the project shall not be regarded as a substantial change of the financing plan and the schedule of expenditure.

Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.

ANNEX IV

MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
 - the Monitoring Committee set up by each Member State concerned,
 - reports,
 - sample checks.

Monitoring Committee

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Spain shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Spain.

5. The Committee shall:
 - (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
 - (b) give its opinion on the draft annual reports on implementation referred to in point 6;
 - (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
 - (d) ensure publicity for the project;
 - (e) ensure that Community policies are respected, especially environment policy;
 - (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

Reports

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

Checks

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

B. Assessment

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
 11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.
-

ANNEX V

INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicize the project using appropriate means, especially audio-visual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure that there is transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC ⁽¹⁾ have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months after the adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER
COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within a specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

COMMISSION DECISION

of 15 November 1993

concerning the grant of assistance from the cohesion financial instrument to a project
concerning access to Santiago de Compostela in Spain

No CF: 93/11/65/013

(Only the Spanish text is authentic)

(94/243/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾, amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas on 17 May 1993 the Spanish Government submitted an application for assistance from the cohesion financial instrument for a project concerning access to Santiago de Compostela;

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC) No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project is a transport infrastructure project of common interest;

Whereas the project forms part of the master plan for a trans-European network concerning road transport;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Regulation (Euratom, ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93 and the provisions contained in Annex VI;

Whereas all the other conditions laid down have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The project concerning access to Santiago de Compostela as described in Annex I hereto is hereby approved for the period 1 January to 31 December 1993.

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 7 307 201.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 6 211 120.
4. The contribution is committed from the 1993 budget.

Article 3

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 4 140 746.

Article 4

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Spain and for which the requisite finance has been specifically allocated to works to be completed not later than 31 December 1993.
2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.
3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

Article 5

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7,

30, 52 and 59 of the EC Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the EC Treaty.

Article 6

Systematic monitoring and assessment of the project shall take place in accordance with the provisions set out in Annex IV hereto.

Article 7

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

Article 8

Each Annex to this Decision shall form an integral part of it.

Article 9

Failure to comply with the provisions of this Decision may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

Article 10

This Decision is addressed to Spain.

Done at Brussels, 15 November 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Project title

Access to Santiago de Compostela

2. Authority making the application

2.1. Name: Dirección General de Planificación

2.2. Address: Paseo de la Castellana, 162 — 28071 Madrid

3. Authority responsible for implementation

3.1. Name: Dirección General de Carreteras

3.2. Address: Paseo de la Castellana, 67 — 28071 Madrid

4. Location

4.1. Member State: Spain

4.2. Region: Galicia

5. Brief description

The main purpose of the planned road, which will have two lanes in each direction over a length of 1,9 km, will be to relieve congestion in Santiago caused by transit traffic from northern Galicia and the province of Orense using the N-550 to reach southern Galicia.

The main section of the road runs from the La Rocha bridge on the N-550 La Coruña-Vigo-Tuy road.

Another major feature is the non-grade-separated junction with Rua Sánchez Freire, access to the provincial hospital and the local road between Conxo de Arriba and Conxo de Abajo.

The planned road will also meet Rua Romero Donallo, Rua de Amor Ruibal (N-525 Santiago-Orense) and the ring road at a roundabout.

The cross-section has two 3,5 m lanes in each direction, each separated by a central reservation of 4 m and shoulders of 1,5 m, giving a total width of 21 metres.

There will be two intersections and an interchange with the main section of the N-550. There will also be two overpasses, two underpasses and a bridge.

6. Principal objectives

The main objectives of the project are to improve road safety and provide uniform driving conditions over whole journeys while at the same time reducing the impact of passing traffic on populated areas.

In planning terms, the objective is to facilitate inter-regional communications by improving the main long-distance itineraries and enhancing access to those areas which are most poorly endowed with infrastructure.

In general, measures of this type will avoid the following problems:

- (a) physical problems affecting the movement of vehicles;
- (b) substantial pollution caused by noise, vibration and emissions;
- (c) substantial risks;
- (d) low speeds, estimated at about 40 k.p.h.

Quantified objectives:

- improved service over an itinerary used, on average, by 15 000 vehicles per day, of which 10 % are heavy vehicles,
- reducing journey time by 1,5 minutes,
- reduction in the annual number of accidents by three.

7. Work schedule

Date of commencement: 13 December 1992

Date of completion: 31 December 1993

8. Economic analysis

On the most pessimistic assumptions, ascribing no loss of speed to the present road, the internal rate of return is 17,95 %.

When this section of road is operating, it will be toll-free.

9. Contribution to trans-European networks

Santiago de Compostela is a strategically situated city in Galicia where the main roads of the region meet and traffic density reaches 15 000 to 20 000 vehicles per day. This means that measures to exclude transit traffic from the city are highly beneficial and economically advantageous.

The project will also facilitate access to the road from La Coruña to Tuy (Portuguese frontier).

10. Cost

(ECU '000) ⁽¹⁾

Total cost	9 904,616
Expenditure prior to 1 January 1993	2 597,416
Total eligible cost	7 307,201
Assistance applied for	6 211,120

⁽¹⁾ ECU 1 = PTA 155,416

ANNEX II

FINANCING PLAN

Project: 93/11/65/013

(ECU '000)

Year	Total cost ⁽¹⁾	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
					%		%		%				
	1=2+11	2=4+6+10	3=2/1	4	5=4/2	6=8+9	7=6/2	8	9	10	11	12=11/1	13
1993	7 307,201	7 307,201	100	6 211,120	85	1 096,081	15	1 096,081					
1994													
1995													
Total	7 307,201	7 307,201	100	6 211,120	85	1 096,081	15	1 096,081					

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of the Decision according to the procedures described in point 12.

Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Regulation (EEC) No 4253/88. If the authority does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

Procedure for amending the project Decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
- (a) Amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
 - (b) In the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10 % of the total expenditure planned for the project shall not be regarded as a substantial change of the financing plan and the schedule of expenditure.

Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.
-

ANNEX IV

MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
 - the Monitoring Committee set up by each Member State concerned,
 - reports,
 - sample checks.

Monitoring Committee

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Spain shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Spain.

5. The Committee shall:
 - (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
 - (b) give its opinion on the draft annual reports on implementation referred to in point 6;
 - (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
 - (d) ensure publicity for the project;
 - (e) ensure that Community policies are respected, especially environment policy;
 - (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

Reports

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

Checks

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

B. Assessment

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
 11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.
-

ANNEX V

INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicize the project using appropriate means, especially audio-visual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure that there is transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC ⁽¹⁾ have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months after the adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER
COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within a specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

COMMISSION DECISION

of 15 November 1993

concerning the grant of assistance from the cohesion financial instrument to a project
concerning the Gilet to Soneja section of the N-234 in Spain

No CF: 93/11/65/016

(Only the Spanish text is authentic)

(93/244/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾, amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas on 17 May 1993 the Spanish Government submitted an application for assistance from the cohesion financial instrument for the project concerning the Gilet to Soneja section of the N-234;

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC) No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project is a transport infrastructure project of common interest;

Whereas the project forms part of the master plan for a trans-European network concerning road transport;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Regulation (Euratom, ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93 and the provisions contained in Annex VI;

Whereas all the other conditions laid down have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The project concerning the Gilet to Soneja section of the N-234 as described in Annex I hereto is hereby approved for the period 1 January 1993 to 31 December 1994.

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 19 491 409.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 16 567 697.
4. The contribution is committed from the 1993 budget.

Article 3

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 6 566 837.

Article 4

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Spain and for which the requisite finance has been specifically allocated to works to be completed not later than 31 December 1994.
2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.
3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

Article 5

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7,

30, 52 and 59 of the EC Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the EC Treaty.

Article 6

Systematic monitoring and assessment of the project shall take place in accordance with the provisions set out in Annex IV hereto.

Article 7

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

Article 8

Each Annex to this Decision shall form an integral part of it.

Article 9

Failure to comply with the provisions of this Decision may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

Article 10

This Decision is addressed to Spain.

Done at Brussels, 15 November 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Project title

The Gilet to Soneja section of the N-234

2. Authority making the application

2.1. Name: Dirección General de Planificación

2.2. Address: Paseo de la Castellana, 162 — 28071 Madrid

3. Authority responsible for implementation

3.1. Name: Dirección General de Carreteras

3.2. Address: Paseo de la Castellana, 67 — 28071 Madrid

4. Location

4.1. Member State: Spain

4.2. Region: Valencia

5. Brief description

Duplication of the N-234 between its junction with the A-7 motorway at Gilet and the Soneja bypass. The length of the section is 17,2 km and the cross-section consists of a 7 m carriageway with shoulders 1,5 m wide. Where a crawler lane is planned, this will be 3,5 m wide and the shoulder will be reduced to 1 m. The carriageway will be dualled at the end of the section.

It is planned to build 37 structures to cross ravines and roads, for the five junctions on the route and for the intersections of the bypass with the Valencia to Calatayud railway.

The project includes drainage, signalling, edge marking, safety and hygiene.

6. Work schedule

Date of commencement (main works): 15 June 1992

Date of completion: 31 December 1994

7. Principal objectives

The main objectives of the project are to improve road safety and provide uniform driving conditions over whole journeys while at the same time reducing the impact of passing traffic on populated areas.

In planning terms, the objective is to facilitate inter-regional communications by improving the main long-distance itineraries and enhancing access to those areas which are most poorly endowed with infrastructure.

In general, measures of this type will avoid the following problems:

- (a) physical problems affecting the movement of vehicles;
- (b) substantial pollution caused by noise, vibration and emissions;
- (c) substantial risks;
- (d) low speeds, estimated at about 40 k.p.h.

Quantified objectives:

- improved service over an itinerary used, on average, by 7 200 vehicles per day, of which 20 % are heavy vehicles,
- reducing journey time by five minutes,
- reduction in the annual number of accidents by 25.

8. Economic analysis

On the assumption that the present road involves no loss of speed, the internal rate of return is 16,7 %.

9. Contribution to trans-European networks

Gilet and Soneja are located near to Sagunto on the N-234. It is planned to build an expressway from Sagunto to Huesca via Teruel and Zaragoza to connect with the Somport tunnel on the French border. This project will form part of that expressway when it is built.

It is also important for the area, given its location near to the Mediterranean tourist area.

10. Cost

(ECU 1 000) ⁽¹⁾

Total cost	26 806,853
Expenditure prior to 1 January 1993	5 315,444
Total eligible cost	19 491,409
Assistance applied for from the cohesion financial instrument	16 567,696

⁽¹⁾ ECU 1 = PTA 155,416.

ANNEX II

FINANCING PLAN

Project: 93/11/65/016

(ECU '000)

Year	Total cost ⁽¹⁾	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
						%							
1=2+11	2=4+6+10	3=2/1	4	5=4/2	6=8+9	7=6/2	8	9	10	11	%	12=11/1	13
1993	10 529,713	10 529,713	100	8 950,256	85	1 579,457	15	1 579,457					
1994	8 961,696	8 961,696	100	7 617,441	85	1 344,255	15	1 344,255					
1995													
Total	19 491,409	19 491,409	100	16 567,697	85	2 923,712	15	2 923,712					

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of the Decision according to the procedures described in point 12.

Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Regulation (EEC) No 4253/88. If the authority does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

Procedure for amending the project Decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
 - (a) Amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
 - (b) In the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10 % of the total expenditure planned for the project shall not be regarded as a substantial change of the financing plan and the schedule of expenditure.

Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
 15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.
-

ANNEX IV

MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
 - the Monitoring Committee set up by each Member State concerned,
 - reports,
 - sample checks.

Monitoring Committee

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Spain shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Spain.

5. The Committee shall:
 - (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
 - (b) give its opinion on the draft annual reports on implementation referred to in point 6;
 - (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
 - (d) ensure publicity for the project;
 - (e) ensure that Community policies are respected, especially environment policy;
 - (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

Reports

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

Checks

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

B. Assessment

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
 11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.
-

ANNEX V

INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicize the project using appropriate means, especially audio-visual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure that there is transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC ⁽¹⁾ have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months after the adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER
COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within a specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

COMMISSION DECISION

of 15 November 1993

concerning the grant of assistance from the cohesion financial instrument to a project concerning the N-632 duplication of the section from Las Dueñas to Novellana in Spain

No CF: 93/11/65/023

(Only the Spanish text is authentic)

(94/245/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾, amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas on 7 June 1993 the Spanish Government submitted an application for assistance from the cohesion financial instrument for the project concerning the N-632 duplication of the section from Las Dueñas to Novellana;

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC) No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project is a transport infrastructure project of common interest;

Whereas the project forms part of the master plan for a trans-European network concerning road transport;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Regulation (Euratom, ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93 and the provisions contained in Annex VI;

Whereas all the other conditions laid down have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The project concerning the N-632 duplication of the section from Las Dueñas to Novellana as described in Annex I hereto is hereby approved for the period 1 January to 31 December 1993.

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 19 449 110.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 16 531 743.
4. The contribution is committed from the 1993 budget.

Article 3

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 11 021 162.

Article 4

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Spain and for which the requisite finance has been specifically allocated to works to be completed not later than 31 December 1993.
2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.
3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

Article 5

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7,

30, 52 and 59 of the EC Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the EC Treaty.

Article 6

Systematic monitoring and assessment of the project shall take place in accordance with the provisions set out in Annex IV hereto.

Article 7

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

Article 8

Each Annex to this Decision shall form an integral part of it.

Article 9

Failure to comply with the provisions of this Decision may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

Article 10

This Decision is addressed to Spain.

Done at Brussels, 15 November 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Project title

N-632 (duplication of the section from Las Dueñas to Novellana)

2. Authority making the application

2.1. Name: Dirección General de Planificación

2.2. Address: Paseo de la Castellana, 162 — E-28071 Madrid

3. Authority responsible for implementation

3.1. Name: Dirección General de Carreteras

3.2. Address: Paseo de la Castellana, 67 — E-28071 Madrid

4. Location

4.1. Member State: Spain

4.2. Region: Asturias

5. Brief description

The work entails construction of a section of road to provide an alternative to the N-632 between kilometre points 124,7 and 133,6. With a length of approximately 6,389 km it will reduce the total distance by 2,471 km.

It is planned to build two major viaducts over the valleys of the Uncin and Esqueiro. Each will be 750 m long and stand some 60 m above the valley floor.

The road will have a 7 m-wide carriageway and shoulders 2,5 m-wide. The pavement will be made of hot-rolled asphalt mix.

There will be four overpasses and three underpasses with a crawler lane for slow vehicles.

Six retaining walls with a total length of some 800 m are planned.

6. Principal objectives

In general, measures of this type will avoid the following problems:

- (a) physical problems affecting the movement of vehicles;
- (b) substantial pollution caused by noise, vibration and emissions;
- (c) substantial risks;
- (d) low speeds, estimated at about 40 k.p.h.

Quantified objectives:

- improved service over an itinerary used, on average, by 7 500 vehicles per day, of which 20 % are heavy vehicles,
- reducing journey time by five minutes,
- reduction in the annual number of accidents by 54.

7. Work schedule

Date of commencement: 5 September 1991

Date of completion: 31 December 1993

8. Economic analysis

On the assumption that the present road involves no loss of speed, the internal rate of return is 20 %.

9. Contribution to trans-European networks

The road is one of the projects to be carried out along the Cantabrian coast to improve communications between this area of difficult terrain and Irún.

The project is located in an area to which access is difficult.

The project forms part of the urban operational programme in Spain's general road plan. The last of these measures are currently being implemented. Works of this type ensure the continuity required on national roads (21 000 km) passing through towns with less than 50 000 inhabitants.

10. Cost

(ECU' 000)⁽¹⁾

Total cost	25 070,789
Expenditure prior to 1 January 1993	5 621,679
Total eligible cost	19 449,110
Assistance applied for from the cohesion financial instrument	16 531,743

⁽¹⁾ ECU 1 = PTA 155,416

ANNEX II

FINANCING PLAN

Project: 93/11/65/023

(ECU '000)

Year	Total cost (¹)	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
		1=2+11	2=4+6+10	3=2/1	4	5=4/2	6=8+9	7=6/2	8	9	10	11	
1993	19 449,110	19 449,110	100	16 531,743	85	2 917,367	15	2 917,367					
1994													
1995													
Total	19 449,110	19 449,110	100	16 531,743	85	2 917,367	15	2 917,367					

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of the Decision according to the procedures described in point 12.

Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Regulation (EEC) No 4253/88. If the authority does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

Procedure for amending the project Decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
 - (a) Amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
 - (b) In the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10 % of the total expenditure planned for the project shall not be regarded as a substantial change of the financing plan and the schedule of expenditure.

Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.

ANNEX IV

MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
 - the Monitoring Committee set up by each Member State concerned,
 - reports,
 - sample checks.

Monitoring Committee

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Spain shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Spain.

5. The Committee shall:
 - (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
 - (b) give its opinion on the draft annual reports on implementation referred to in point 6;
 - (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
 - (d) ensure publicity for the project;
 - (e) ensure that Community policies are respected, especially environment policy;
 - (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

Reports

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

Checks

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

B. Assessment

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
 11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.
-

ANNEX V

INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 85%. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicize the project using appropriate means, especially audio-visual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure that there is transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC ⁽¹⁾ have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months after the adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER
COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within a specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

COMMISSION DECISION

of 22 November 1993

concerning the granting of assistance from the cohesion financial instrument to the project concerning the Palmela to Marateca road in Portugal

No CF: 93/10/65/005

(Only the Portuguese text is authentic)

(94/246/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾ as amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas on 3 May 1993 Portugal submitted an application for assistance from the cohesion financial instrument for a project concerning the Palmela to Marateca road;

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of the Regulation and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project forms part of the master plan for a trans-European network concerning road transport;

Whereas the project will generate revenues and this should be taken into account in determining the proportion of the costs eligible for Community assistance;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 792/93, technically and financially discrete stages of the project have been identified for the purpose of granting assistance from the financial instrument;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Council Regulation (Euratom, ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation EEC No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of that Regulation No 792/93;

Whereas all the other conditions laid down, have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

1. The stage of project of the Palmela to Marateca road situated in Portugal as described in Annex I

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

hereto is hereby approved for the period from 1 January 1993 to December 1996.

2. References to 'project' in the following Articles and Annexes shall be understood to mean also 'stage of project'.

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 15 550 000.

2. The rate of Community assistance granted to the project shall be fixed at 85 %.

3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 13 217 500.

4. The contribution is committed from the 1993 budget.

Article 3

1. Community assistance shall be based on the financial plan for the project set out in Annex II.

2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.

3. The amount of the first advance payment shall be fixed at ECU 6 441 866.

Article 4

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Portugal and for which the requisite finance has been specifically allocated to works to be completed not later than December 1996.

2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.

3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

Article 5

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7, 30,

52 and 59 of the EC Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the EC Treaty.

Article 6

Systematic monitoring and assessment of the project take place in accordance with the provisions set out in Annex IV hereto.

Article 7

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

Article 8

Each Annex to this Decision shall form an integral part of it.

Article 9

Failure to comply with the provisions of this Decision or its Annexes may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

Article 10

This Decision is addressed to Portugal.

Done at Brussels, 22 November 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Project title

Palmela to Marateca road

2. Authority making the application

2.1. Name: Direcção Geral do Desenvolvimento Regional

2.2. Address: Avenida D. Carlos I, 126—7º, 1200 Lisbon

3. Authority responsible for implementation

3.1. Name: Brisa-Autoestradas de Portugal, SA

3.2. Address: Av. Fontes Pereira de Melo 6, 3º, 1000 Lisbon

4. Location

4.1. Member State: Portugal

4.2. Region: Lisbon and Vale do Tejo, Setúbal district

5. Brief description

The project concerns a 19,3 km subsection of motorway to run from the Palmela junction, which will be redesigned, where it will link with the EN 252, to the Marateca junction, where it will link with the EN 10.

6. Objectives

The project forms part of the IP 1 main road route which will provide improved access for traffic to and from the south and to and from Spain while bypassing the urban area of Setúbal.

This subsection will subsequently be extended towards the south (A2) and the interior (A6) to the frontier at Caia.

7. Work schedule

Date of commencement: 1988

Date of completion: December 1996

8. Cost-benefit analysis

The internal rate of return of this subsection of motorway is 37,7%. This rather high figure demonstrates the importance of the project for the region and the country.

9. Cost

	(ECU million)
Total cost	45,334
Expenditure prior to the date of eligibility ⁽¹⁾	5,280
Value of revenue related to eligible costs in current terms	24,504
Total eligible cost	15,550

⁽¹⁾ Only expenditure incurred after 1 January 1993 is eligible.

ANNEX II

FINANCING PLAN

Project: 93/10/65/005

(ECU '000)

Year	Total cost ⁽¹⁾	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
					%		%		%				
	1=2+11	2=4+6+10	3=2/1	4	5=4/2	6=8+9	7=6/2	8	9	10	11	12=11/1	13
1993	11 368	11 368	100	9 663	85	1 705	15			1 705			
1994	3 876	3 876	100	3 294	85	582	15			582			
1995	262	262	100	223	85	39	15			39			
1996	44	44	100	37	85	7	15			7			
Total	15 550	15 550	100	13 217	85	2 333	15			2 333			

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of decision according to the procedures described in point 12.

Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Council Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Council Regulation (EEC) No 4253/88. If the authority designated under point 5 does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

Procedure for amending the project decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
- (a) amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
 - (b) in the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10% of the total expenditure planned for the project shall not be regarded as a substantial change.

Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.
-

ANNEX IV

MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
 - the Monitoring Committee set up by each Member State concerned,
 - reports,
 - sample checks.

Monitoring Committee

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Portugal shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Portugal.

5. The Committee shall:
 - (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
 - (b) give its opinion on the draft annual reports on implementation referred to in point 6;
 - (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
 - (d) ensure publicity for the project;
 - (e) ensure that Community policies are respected, especially environment policy;
 - (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

Reports

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

Checks

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

B. Assessment

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
 11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.
-

ANNEX V

INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 80 to 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicize the project using appropriate means, especially audiovisual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC ⁽¹⁾ have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months of adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

COMMISSION DECISION

of 22 November 1993

concerning the granting of assistance from the cohesion financial instrument to the project concerning the Cruz/Braga section in Portugal

No CF: 93/10/65/006

(Only the Portuguese text is authentic)

(94/247/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾ as amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas on 3 May 1993 Portugal submitted an application for assistance from the cohesion financial instrument for a project concerning the Cruz/Braga section;

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of the Regulation and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project forms part of the master plan for a trans-European network concerning road transport;

Whereas the project will generate revenues and this should be taken into account in determining the proportion of the costs eligible for Community assistance;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 792/93, technically and financially discrete stages of the project have been identified for the purpose of granting assistance from the financial instrument;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Council Regulation (Euratom, ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation EEC No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of that Regulation No 792/93;

Whereas all the other conditions laid down, have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

1. The stage of project Cruz/Braga section situated in Portugal as described in Annex I hereto is hereby

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

approved for the period from 1 January 1993 to 31 December 1995.

2. References to 'project' in the following Articles and Annexes shall be understood to mean also 'stage of project'.

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 31 483 410.

2. The rate of Community assistance granted to the project shall be fixed at 85 %.

3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 26 760 898.

4. The contribution is committed from the 1993 budget.

Article 3

1. Community assistance shall be based on the financial plan for the project set out in Annex II.

2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.

3. The amount of the first advance payment shall be fixed at ECU 13 791 993.

Article 4

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Portugal and for which the requisite finance has been specifically allocated to works to be completed not later than December 1995.

2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.

3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

Article 5

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7, 30, 52 and 59 of the EC Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the EC Treaty.

Article 6

Systematic monitoring and assessment of the project take place in accordance with the provisions set out in Annex IV hereto.

Article 7

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

Article 8

Each Annex to this Decision shall form an integral part of it.

Article 9

Failure to comply with the provisions of this Decision or its Annexes may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

Article 10

This Decision is addressed to Portugal.

Done at Brussels, 22 November 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Project title

Cruz/Braga Section

2. Authority making the application

2.1. Name: Direcção-Geral do Desenvolvimento Regional

2.2. Address: Avenida D. Carlos I, 126—7º 1200 Lisbon

3. Authority responsible for implementation

3.1. Name: Brisa-Autoestradas de Portugal SA

3.2. Address: Av. Fontes Pereira de Melo 6, 3º 1000 Lisboa

4. Location

4.1. Member State: Portugal

4.2. Administrative district(s): Northern region, Braga district

5. Description

The Cruz/Braga section is part of the IP 1, more specifically of the A5 (Port-Valença motorway). The purpose of this project is to construct two subsections 11,8 kilometres long between the Cruz interchange and the region to the northwest of Braga.

6. Objectives

This scheme is part of the IP 1, the main axis of the road network, considerably improving the time taken to cover the distance and the safety conditions on the road between Porto and Braga (linked at present by the EN 14). On the other hand, with the extension of the motorway to Valença, there will be a significantly increased volume of traffic on this subsection since it will form part of a bigger network.

7. Work schedule

Date of commencement: second half of 1992

Date of completion: second half of 1995

8. Cost-benefit analysis

The macroeconomic assessment, at constant 1992 prices, shows an internal rate of return of 10,18 %. Account will, however, have to be taken of the fact that this section provides the link between the main towns of two of Portugal's principal districts and that the benefits must be assessed bearing in mind the most important routes along the A3 (Porto/Valença motorway) and not merely for the Cruz/Braga subsection.

9. Cost

	(ECU million)
Total cost	71,080
Expenditure prior to the eligible date	13,111
Actualized value of the receipts relating to the eligible cost	26,486
Total eligible cost	31,483

ANNEX II

FINANCING PLAN

Project: 93/10/65/006

(ECU '000)

Year	Total cost ⁽¹⁾	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
	1=2+11	2=4+6+10	% 3=2/1	4	% 5=4/2	6=8+9	% 7=6/2	8	9	10	11	% 12=11/1	13
1993	24 338,82	24 338,82	100	20 687,99	85	3 650,83	15		3 650,83				
1994	6 984,00	6 984,00	100	5 936,40	85	1 047,60	15		1 047,60				
1995	160,59	160,59	100	136,50	85	24,09	15		24,09				
Total	31 483,41	31 483,41	100	26 760,89	85	4 722,52	15		4 722,52				

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of decision according to the procedures described in point 12.

Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Council Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Council Regulation (EEC) No 4253/88. If the authority designated under point 5 does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

Procedure for amending the project decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
- (a) amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
 - (b) in the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10 % of the total expenditure planned for the project shall not be regarded as a substantial change.

Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.
-

ANNEX IV

MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
 - the Monitoring Committee set up by each Member State concerned,
 - reports,
 - sample checks.

Monitoring Committee

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Portugal shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Portugal.

5. The Committee shall:
 - (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
 - (b) give its opinion on the draft annual reports on implementation referred to in point 6;
 - (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
 - (d) ensure publicity for the project;
 - (e) ensure that Community policies are respected, especially environment policy;
 - (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

Reports

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

Checks

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

B. Assessment

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
 11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.
-

ANNEX V

INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 80 to 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicize the project using appropriate means, especially audiovisual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC ⁽¹⁾ have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months of adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER
COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

COMMISSION DECISION

of 22 November 1993

concerning the granting of assistance from the cohesion financial instrument to a project concerning the prevention and control of accidents involving dangerous materials at the port of Sines in Portugal

No CF: 93/10/65/024

(Only the Portuguese text is authentic)

(94/248/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾ as amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas on 31 August 1993 Portugal submitted an application for assistance from the cohesion financial instrument for a project concerning the prevention and control of accidents involving dangerous materials at the port of Sines;

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of the Regulation and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project will contribute to the achievement of the objectives of Article 130r of the Treaty concerning the environment;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Council Regulation (Euratom, ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation EEC No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of that Regulation No 792/93;

Whereas all the other conditions laid down, have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The project concerning the prevention and control of accidents involving dangerous materials at the port of Sines in Portugal as described in Annex I hereto is hereby approved for the period from 1 January 1993 to 30 November 1994.

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 2 465 497.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 2 095 672.
4. The contribution is committed from the 1993 budget.

Article 3

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 926 973.

Article 4

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Portugal and for which the requisite finance has been specifically allocated to works to be completed not later than 30 November 1994.
2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.
3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

Article 5

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7, 30,

52 and 59 of the EC Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the EC Treaty.

Article 6

Systematic monitoring and assessment of the project take place in accordance with the provisions set out in Annex IV hereto.

Article 7

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

Article 8

Each Annex to this Decision shall form an integral part of it.

Article 9

Failure to comply with the provisions of this Decision or its Annexes may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

Article 10

This Decision is addressed to Portugal.

Done at Brussels, 22 November 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Project title

Systems of prevention and control of accidents involving dangerous materials

2. Authority making the application

2.1. Name: Direcção-Geral do Desenvolvimento Regional

2.2. Address: Avenida D. Carlos I, 126—7 — 1200 Lisbon

3. Authority responsible for implementation

3.1. Name: Administração do Porto de Sines

3.2. Address: Apartada 16 — 7521 Sines Codex

4. Location

4.1. Member State: Portugal

4.2. Administrative area: Alentejo Litoral

5. Brief description

Modernization and installation of systems and equipment for the monitoring of operations involving dangerous materials and control of accidents. The project includes the following aspects:

- modernization of the system of control and monitoring,
- modernization of the video surveillance system,
- modernization of instruments,
- equipment.

6. Principal objectives

The purpose of the project is to equip the port of Sines with efficient systems of operation, surveillance, prevention and control of accidents potentially damaging to people and property (explosions, fires) or the environment (oil spills or leaks).

7. Work schedule

	Start date	Completion date
Conception	July 1990	December 1993
Purchase of land	—	—
Main works	July 1992	November 1994
Operational phase	July 1993	2014

8. Environmental impact study

The purpose of the project is to implement Community and international rules on environmental safety and protection, specifically Council Directives 88/610/EEC ⁽¹⁾, 75/442/EEC ⁽²⁾, 78/319/EEC ⁽³⁾ and 87/101/EEC ⁽⁴⁾.

⁽¹⁾ OJ No L 336, 7. 12. 1988, p. 14.

⁽²⁾ OJ No L 194, 25. 7. 1975, p. 47.

⁽³⁾ OJ No L 84, 31. 3. 1978, p. 43.

⁽⁴⁾ OJ No L 42, 12. 2. 1987, p. 43.

9. Cost

(ECU '000)

Total cost	Expenditure prior to 1 January 1993 ⁽¹⁾	Total eligible cost
3 020,741	555,244	2 465,497

⁽¹⁾ Only expenditure incurred after 1 January 1993 is eligible.

ANNEX II

FINANCING PLAN

Project: 93/10/65/024

(ECU '000)

Year	Total cost ⁽¹⁾	Public expenditure									Private sector		Community loans	
		Total public expenditure			Cohesion instrument		National authorities				Other			
							Total		Central government	Other				
	1=2+11	2=4+6+10	3=2/1	4	5=4/2	6=8+9	7=6/2	8	9	10	11	% 12=11/1	13	
1993	1 635,834	1 635,834	100	1 390,459	85	245,375	15		245,375					
1994	829,663	829,663	100	705,213	85	124,450	15		124,450					
1995														
Total	2 465,497	2 465,497	100	2 095,673	85	369,824	15		369,824					

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of decision according to the procedures described in point 12.

Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Council Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Council Regulation (EEC) No 4253/88. If the authority designated under point 5 does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

Procedure for amending the project decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
 - (a) amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
 - (b) in the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10 % of the total expenditure planned for the project shall not be regarded as a substantial change.

Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
 15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.
-

ANNEX IV

MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
 - the Monitoring Committee set up by each Member State concerned,
 - reports,
 - sample checks.

Monitoring Committee

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Portugal shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Portugal.

5. The Committee shall:
 - (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
 - (b) give its opinion on the draft annual reports on implementation referred to in point 6;
 - (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
 - (d) ensure publicity for the project;
 - (e) ensure that Community policies are respected, especially environment policy;
 - (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

Reports

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

Checks

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

B. Assessment

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
 11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.
-

ANNEX V

INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 80 to 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicize the project using appropriate means, especially audiovisual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC ⁽¹⁾ have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months of adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER
COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

COMMISSION DECISION

of 22 November 1993

concerning the granting of assistance from the cohesion financial instrument to the project concerning the renovation of the pipeline from Vila Franca de Xira to the airport in Portugal

No CF: 93/10/61/011

(Only the Portuguese text is authentic)

(94/249/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾ as amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas on 30 July 1993 Portugal submitted an application for assistance from the cohesion financial instrument for a project concerning the renovation of the pipeline from Vila Franca de Xira to the airport;

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of the Regulation and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project is the result of measures taken in accordance with Article 130s of the Treaty;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Council Regulation (Euratom, ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation EEC No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of that Regulation No 792/93;

Whereas all the other conditions laid down, have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The project concerning the renovation of the pipeline from Vila Franca de Xira to the airport situated in Portugal as described in Annex I hereto is hereby approved for the period from 1. January 1993 to 31 December 1994.

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 1 211 000.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 1 029 350.
4. The contribution is committed from the 1993 budget.

Article 3

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 334 900.

Article 4

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Portugal and for which the requisite finance has been specifically allocated to works to be completed not later than 31 December 1994.
2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.
3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

Article 5

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7, 30,

52 and 59 of the EC Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the EC Treaty.

Article 6

Systematic monitoring and assessment of the project take place in accordance with the provisions set out in Annex IV hereto.

Article 7

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

Article 8

Each Annex to this Decision shall form an integral part of it.

Article 9

Failure to comply with the provisions of this Decision or its Annexes may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

Article 10

This Decision is addressed to Portugal.

Done at Brussels, 22 November 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Project title

Renovation of the pipeline from Villa Franca de Xira to the airport

2. Authority making the application

2.1. Name: Direcção-Geral do Desenvolvimento Regional

2.2. Address: Avenida D. Carlos I, 126—7^o 1200 Lisbon

3. Authority responsible for implementation

3.1. Name: EPAL — Empresa Portuguesa das Aguas Livres, SA

3.2. Address: Av. da Liberdade, Lisbon

4. Location

4.1. Member State: Portugal

4.2. Administrative district: Greater Lisbon

5. Brief description

The pipeline from Vila Franca de Xira to the airport, a distance of about 32,97 km, is working at capacity, carrying about 240 000 m³ per day. The project includes the following works at various points along the pipeline;

- upgrading of the crossing of the River Trancão,
- stabilization of the Bom Retiro retaining wall,
- stabilization of the S. João dos Montes and Bairro de Mata retaining walls,
- renovation of the pipeline near to the Alhandra tunnel.

The project specifications will be required to comply with Council Directive 80/778/EEC ⁽¹⁾ on the quality of water for human consumption.

6. Principal objectives

The project is intended to upgrade and preserve the pipeline from Vila Franca de Xira to the airport, which is of great importance for the supply of water to greater Lisbon. The pipeline will be made safer and more reliable so that there is no threat to water supplies to an area where some 2,5 million people live.

7. Work schedule

	Start date	Completion date
Design studies	August 1992	October 1992
Purchase of land		
Main works	August 1992	December 1994
Operational phase		

8. Assessment of the environmental impact

The environmental impact will be positive since completion of the project will improve the quality of the water supplied and reduce losses. The works will also improve the integration of the pipeline into its environment.

⁽¹⁾ OJ No L 229, 30. 8. 1980, p. 11.

9. Cost

(ECU million)

Total cost	Expenditure prior to the date of eligibility ⁽¹⁾	Total eligible cost
1,406	0,195	1,211

⁽¹⁾ Only expenditure incurred after 1 January 1993 is eligible.

ANNEX II

FINANCING PLAN

Project: 93/10/61/011

(ECU '000)

Year	Total cost ⁽¹⁾	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
	1=2+11	2=4+6+10	% 3=2/1	4	% 5=4/2	6=8+9	% 7=6/2	8	9	10	11	% 12=11/1	13
1993	591	591	100	502	85					89			
1994	620	620	100	527	85					93			
1995													
Total	1 211	1 211	100	1 029	85					182			

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of decision according to the procedures described in point 12.

Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Council Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Council Regulation (EEC) No 4253/88. If the authority designated under point 5 does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

Procedure for amending the project decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
- (a) amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
 - (b) in the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10% of the total expenditure planned for the project shall not be regarded as a substantial change.

Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.
-

ANNEX IV

MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
 - the Monitoring Committee set up by each Member State concerned,
 - reports,
 - sample checks.

Monitoring Committee

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Portugal shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Portugal.

5. The Committee shall:
 - (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
 - (b) give its opinion on the draft annual reports on implementation referred to in point 6;
 - (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
 - (d) ensure publicity for the project;
 - (e) ensure that Community policies are respected, especially environment policy;
 - (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

Reports

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

Checks

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

B. Assessment

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
 11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.
-

ANNEX V

INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 80 to 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicize the project using appropriate means, especially audiovisual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC ⁽¹⁾ have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months of adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

COMMISSION DECISION

of 22 November 1993

concerning the granting of assistance from the cohesion financial instrument to the project concerning increasing the capacity of the Castelo de Bode pipeline in Portugal

No CF: 93/10/61/012

(Only the Portuguese text is authentic)

(94/250/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾ as amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply, *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas on 30 July 1993 Portugal submitted an application for assistance from the cohesion financial instrument for a project concerning increasing the capacity of the Castelo de Bode pipeline;

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of the Regulation and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project is the result of measures taken in accordance with Article 130s of the Treaty;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Council Regulation (Euratom, ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation EEC No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of that Regulation No 792/93;

Whereas all the other conditions laid down, have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

1. The stage of project of increasing the capacity of the Castelo de Bode pipeline situated in Portugal as described in Annex I hereto is hereby approved for the period from 1 June 1993 to 31 March 1995.

2. References to 'project' in the following Articles and Annexes shall be understood to mean also 'stage of project'.

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 12 319 000.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 10 471 150.
4. The contribution is committed from the 1993 budget.

Article 3

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 669 233.

Article 4

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Portugal and for which the requisite finance has been specifically allocated to works to be completed not later than 31 March 1995.
2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.
3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

Article 5

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7, 30,

52 and 59 of the EC Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the EC Treaty.

Article 6

Systematic monitoring and assessment of the project take place in accordance with the provisions set out in Annex IV hereto.

Article 7

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

Article 8

Each Annex to this Decision shall form an integral part of it.

Article 9

Failure to comply with the provisions of this Decision or its Annexes may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

Article 10

This Decision is addressed to Portugal.

Done at Brussels, 22 November 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Project title

Increasing the capacity of the intermediate section of the Castelo de Bode pipeline

2. Authority making the application

2.1. Name: Direcção-Geral do Desenvolvimento Regional

2.2. Address: Avenida D. Carlos I, 126—7º — 1200 Lisbon

3. Authority responsible for implementation

3.1. Name: EPAL — Empresa Portuguesa das Aguas Livres, S.A.

3.2. Address: Av. da Liberdade 24 — 1200 Lisbon

4. Location

4.1. Member State: Portugal

4.2. Administrative district: Médio Tejo

5. Brief description

The project concerns the first phase of increasing the capacity of the Castelo de Bode pipeline by duplicating three sections over a total length of 9,2 km.

This first phase also includes preparation of technical studies and projects required for completion of all the works relating to extension of the pipeline.

The project specifications will be required to comply with Council Directive 80/778/EEC⁽¹⁾ on the quality of water for human consumption.

6. Principal objectives

The project is intended to increase the capacity of the Castelo de Bode pipeline from 375 000 m³ per day to 500 000 m³ per day so increasing the capacity and safety margin of supplies to Greater Lisbon and meeting the growing needs of a population estimated at 2,5 million.

7. Work schedule

	Start date	Completion date
Design studies	June 1993	March 1994
Purchase of land		
Main works	October 1993	March 1995
Operational phase	April 1995	

8. Assessment of the environmental impact

The project will be constructed alongside the Castelo de Bode pipeline on land which already belongs to the body carrying out the work so there will be no negative environmental impact on the area.

⁽¹⁾ OJ No L 229, 30. 8. 1980, p. 11.

9. Cost

(ECU million)

Total cost	Expenditure prior to the date of eligibility ⁽¹⁾	Total eligible cost
12,327	0,008	12,319

⁽¹⁾ Only expenditure incurred after 1 january 1993 is eligible.

ANNEX II

FINANCING PLAN

Project: 93/10/61/012

(ECU '000)

Year	Total cost ⁽¹⁾	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
											</		

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of decision according to the procedures described in point 12.

Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Council Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Council Regulation (EEC) No 4253/88. If the authority designated under point 5 does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

Procedure for amending the project decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
- (a) amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
 - (b) in the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10 % of the total expenditure planned for the project shall not be regarded as a substantial change.

Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.
-

ANNEX IV

MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
 - the Monitoring Committee set up by each Member State concerned,
 - reports,
 - sample checks.

Monitoring Committee

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Portugal shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Portugal.

5. The Committee shall:
 - (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
 - (b) give its opinion on the draft annual reports on implementation referred to in point 6;
 - (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
 - (d) ensure publicity for the project;
 - (e) ensure that Community policies are respected, especially environment policy;
 - (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

Reports

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

Checks

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

B. Assessment

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
 11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.
-

ANNEX V

INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 80 to 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicize the project using appropriate means, especially audiovisual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC ⁽¹⁾ have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months of adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

COMMISSION DECISION

of 10 December 1993

concerning the grant of assistance from the cohesion financial instrument to a project concerning the Madrid to Valencia railway line (Doubling of the Fuente la Higuera to Játiva section) in Spain

No CF: 93/11/65/024

(Only the Spanish text is authentic)

(94/251/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾, amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas on 15 June 1993 the Spanish Government submitted an application for assistance from the cohesion financial instrument for the project concerning the Madrid to Valencia railway line (Doubling of the Fuente la Higuera to Játiva section);

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC) No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project is a transport infrastructure project of common interest;

Whereas the project forms part of the master plan for a trans-European network concerning combined transport;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Regulation (Euratom, ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93 and the provisions contained in Annex VI;

Whereas all the other conditions laid down have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The project concerning the Madrid to Valencia railway line (Doubling of the Fuente la Higuera to Játiva section) as described in Annex I hereto is hereby approved for the period from 1 January 1993 to September 1994.

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 64 311 267.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 54 664 576.
4. The contribution is committed from the 1993 budget.

Article 3

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 33 526 148.

Article 4

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Spain and for which the requisite finance has been specifically allocated to works to be completed not later than September 1994.
2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.
3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

Article 5

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7,

30, 52 and 59 of the Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the Treaty.

Article 6

Systematic monitoring and assessment of the project shall take place in accordance with the provisions set out in Annex IV hereto.

Article 7

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

Article 8

Each Annex to this Decision shall form an integral part of it.

Article 9

Failure to comply with the provisions of this Decision may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

Article 10

This Decision is addressed to Spain.

Done at Brussels, 10 December 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Project title

Madrid to Valencia railway line (Doubling of the Fuente la Higuera to Játiva section)

2. Authority making the application

2.1. Name: Dirección General de Planificación

2.2. Address: Paseo de la Castellana, 161 — 28071 Madrid

3. Authority responsible for implementation

3.1. Name: Dirección General de Infraestructura del Transporte Ferroviario

3.2. Address: Plaza de los Sagrados Corazones, 7 — 28071 Madrid

4. Location

4.1. Member State: Spain

4.2. Region: Valencia

5. Brief description

The project entails widening of the existing bed to double the track and raise the design speed to 200/220 k.p.h. over a length of 35 km.

This includes a 900 m tunnel, four viaducts, six bridges, four overpasses, four underpasses and other infrastructure works required to double the track.

The Fuente la Higuera to Játiva section may be divided into the following four subsections:

1. Fuente la Higuera to Mogente. Doubling of track. Infrastructure. Section 1.
2. Fuente la Higuera to Mogente. Doubling of track. Infrastructure. Section 2.
3. Mogente to Játiva. Doubling of track. Infrastructure. Section 1.
4. Mogente to Játiva. Doubling of track. Infrastructure. Section 2.

6. Work schedule

Date of commencement (main work): 15 November 1991

Estimated date of completion: September 1994

7. Principal objectives

Doubling of 35 km of the existing line.

Quantified objectives:

- to improve capacity from 50 to 300 movements per day,
- to reduce journey time by eight minutes.

8. Economic analysis

Over a period of 20 years, the internal rate of return of this project is 13,5%.

9. Contribution to trans-European networks

Improvement of communications between the centre of the Peninsula and the Mediterranean coast and a connection with the line from Valencia to Barcelona.

10. Cost

(ECU '000) ⁽¹⁾

Total cost	97 566,877
Expenditure prior to 1 January 1993	23 255,610
Total eligible cost	64 311,267
Total assistance applied for from the cohesion financial instrument	54 644,576

⁽¹⁾ ECU 1 = Pta 155,416.

ANNEX II

FINANCING PLAN

Project: 93/11/65/024

(ECU '000)

Year	Total cost (1)	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
	1=2+11	2=4+6+10	3=2/1	4	5=4/2	6=8+9	7=6/2	8	9	10	11	% 12=11/1	13
1993	59 163,792	59 163,792	100	50 289,223	85	8 874,569	15	8 874,569					
1994	5 147,475	5 147,475	100	4 375,353	85	772,122	15	772,122					
1995													
Total	64 311,267	64 311,267	100	54 664,576	85	9 646,691	15	9 646,691					

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of the Decision according to the procedures described in point 12.

Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Regulation (EEC) No 4253/88. If the authority does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

Procedure for amending the project Decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
 - (a) Amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
 - (b) In the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10 % of the total expenditure planned for the project shall not be regarded as a substantial change of the financing plan and the schedule of expenditure.

Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
 15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.
-

ANNEX IV

MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
 - the Monitoring Committee set up by each Member State concerned,
 - reports,
 - sample checks.

Monitoring Committee

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Spain shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Spain.

5. The Committee shall:
 - (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
 - (b) give its opinion on the draft annual reports on implementation referred to in point 6;
 - (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
 - (d) ensure publicity for the project;
 - (e) ensure that Community policies are respected, especially environment policy;
 - (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

Reports

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

Checks

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

B. Assessment

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
 11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.
-

ANNEX V

INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicize the project using appropriate means, especially audio-visual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure that there is transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC ⁽¹⁾ have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months after the adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER
COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within a specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

COMMISSION DECISION

of 10 December 1993

concerning the grant of assistance from the cohesion financial instrument to a project concerning the Valencia to Tarragona railway line (Doubling of the Alcanar to Camarles section) in Spain

No CF: 93/11/65/025

(Only the Spanish text is authentic)

(94/252/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾, amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas on 15 June 1993 the Spanish Government submitted an application for assistance from the cohesion financial instrument for the project concerning the Valencia to Tarragona railway line (Doubling of the Alcanar to Camarles section),

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC) No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project is a transport infrastructure project of common interest;

Whereas the project forms part of the master plan for a trans-European network concerning combined transport;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Regulation (Euratom, ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93 and the provisions contained in Annex VI;

Whereas all the other conditions laid down have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The project concerning the Valencia to Tarragona railway line (Doubling of the Alcanar to Camarles section) as described in Annex I hereto is hereby approved for the period 1 January 1993 to 18 March 1994.

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 21 715 910.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 18 458 523.
4. The contribution is committed from the 1993 budget.

Article 3

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 12 305 682.

Article 4

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Spain and for which the requisite finance has been specifically allocated to works to be completed not later than 18 March 1994.
2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.
3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

Article 5

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7,

30, 52 and 59 of the Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the Treaty.

Article 6

Systematic monitoring and assessment of the project shall take place in accordance with the provisions set out in Annex IV hereto.

Article 7

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

Article 8

Each Annex to this Decision shall form an integral part of it.

Article 9

Failure to comply with the provisions of this Decision may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

Article 10

This Decision is addressed to Spain.

Done at Brussels, 10 December 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Project title

Valencia to Tarragona railway line (Doubling of the Alcanar to Camarles section)

2. Authority making the application

2.1. Name: Dirección General de Planificación

2.2. Address: Paseo de la Castellana, 162 — 28071 Madrid

3. Authority responsible for implementation

3.1. Name: Dirección General de Infraestructura del Transporte Ferroviario

3.2. Address: Plaza de los Sagrados Corazones, 7 — 28071 Madrid

4. Location

4.1. Member State: Spain

4.2. Region: Valencia and Catalonia

5. Brief description

The project entails widening of the existing bed to double the track and raise the design speed to 200/220 k.p.h. over a length of 37 km, of which 15,9 km. will bypass Tortosa and includes a viaduct 1 320 m long over the River Ebro.

6. Principal objectives

Doubling of 37 km of the existing line.

Quantified objectives:

— to improve capacity from 65 to 240 movements per day,

— to reduce journey time by 11 minutes.

7. Work schedule

Date of commencement: 18 December 1991

Date of completion: 18 March 1994

8. Economic analysis

Over a period of 20 years, the internal rate of return of this project is 15,1 %.

9. Contribution to trans-European networks

Improvement of communications along the Mediterranean coast and connections with the capitals of Catalonia and the Valencian Community.

Connection with the future high-speed line from Barcelona to the French border.

10. Cost

(ECU '000) ⁽¹⁾

Total cost	36 446,330
Expenditure prior to 1 January 1993	14 730,420
Total eligible cost	21 715,910
Total assistance applied for from the cohesion financial instrument	18 458,523

⁽¹⁾ ECU 1 = Pta 155,416.

ANNEX II

FINANCING PLAN

Project: 93/11/65/025

(ECU '000)

Year	Total cost ⁽¹⁾	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
					%		%		%				
	1=2+11	2=4+6+10	3=2/1	4	5=4/2	6=8+9	7=6/2	8	9	10	11	12=11/1	13
1993	21 715,910	21 715,910	100	18 458,523	85	3 257,387	15	3 257,387					
1994													
1995													
Total	21 715,910	21 715,910	100	18 458,523	85	3 257,387	15	3 257,387					

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of the Decision according to the procedures described in point 12.

Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Regulation (EEC) No 4253/88. If the authority does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

Procedure for amending the project Decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
 - (a) Amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
 - (b) In the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10 % of the total expenditure planned for the project shall not be regarded as a substantial change of the financing plan and the schedule of expenditure.

Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
 15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.
-

ANNEX IV

MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
 - the Monitoring Committee set up by each Member State concerned,
 - reports,
 - sample checks.

Monitoring Committee

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Spain shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Spain.

5. The Committee shall:
 - (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
 - (b) give its opinion on the draft annual reports on implementation referred to in point 6;
 - (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
 - (d) ensure publicity for the project;
 - (e) ensure that Community policies are respected, especially environment policy;
 - (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

Reports

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

Checks

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

B. Assessment

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
 11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.
-

ANNEX V

INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicize the project using appropriate means, especially audio-visual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure that there is transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC ⁽¹⁾ have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months after the adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within a specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

COMMISSION DECISION

of 10 December 1993

concerning the grant of assistance from the cohesion financial instrument to a project concerning the merchant shipping service, rescue coordination and fighting pollution at sea in Spain

No CF: 93/11/65/026—030

(Only the Spanish text is authentic)

(94/253/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾, and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾, amended by Regulation (EEC) No 2082/93 ⁽³⁾, are to apply *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measure for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that the measures which are described in Annex V to this Decision are undertaken;

Whereas on 8 July 1993 the Spanish Government submitted an application for assistance from the cohesion financial instrument for the project concerning the merchant shipping service, rescue coordination and fighting pollution at sea;

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC) No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of the Regulation;

Whereas the project is a transport infrastructure project of common interest which will also help achieve the objectives of Article 130r of the Treaty concerning the environment;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽⁴⁾, as last amended by Regulation (Euratom, ECSC, EEC) No 610/90 ⁽⁵⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas pursuant to Article 9 of Regulation (EEC) No 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV to this Decision; whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted pursuant to Article 9 (3) of Regulation (EEC) No 792/93 and the provisions contained in Annex VI;

Whereas all the other conditions laid down have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

The project concerning the merchant shipping service, rescue coordination and fighting pollution at sea as described in Annex I hereto is hereby approved for the period 1 January 1993 to 18 March 1994.

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ No L 193, 31. 7. 1993, p. 20.

⁽⁴⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁵⁾ OJ No L 70, 16. 3. 1990, p. 1.

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 18 360 682.
2. The rate of Community assistance granted to the project shall be fixed at 85 %.
3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 15 606 579.
4. The contribution is committed from the 1993 budget.

Article 3

1. Community assistance shall be based on the financial plan for the project set out in Annex II.
2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.
3. The amount of the first advance payment shall be fixed at ECU 6 891 976.

Article 4

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Spain and for which the requisite finance has been specifically allocated to works to be completed not later than 18 March 1994.
2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.
3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in subparagraph 1.

Article 5

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7,

30, 52 and 59 of the Treaty, as well as with Community law, in particular with the Directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings pursuant to Article 169 of the Treaty.

Article 6

Systematic monitoring and assessment of the project shall take place in accordance with the provisions set out in Annex IV hereto.

Article 7

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

Article 8

Each Annex to this Decision shall form an integral part of it.

Article 9

Failure to comply with the provisions of this Decision may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

Article 10

This Decision is addressed to Spain.

Done at Brussels, 10 December 1993.

For the Commission

Peter SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Project title

Merchant shipping service, rescue coordination and fighting pollution at sea

2. Authority making the application

2.1. Name: Dirección General de Planificación

2.2. Address: Paseo de la Castellana, 162 — 28071 Madrid

3. Authority responsible for implementation

3.1. Name: Dirección General de la Marina Mercante (MOPT)

3.2. Address: Calle Ruiz de Alarcón, 1 — 28071 Madrid

4. Location

4.1. Member State: Spain

4.2. Region: Andalusia, Asturias, Canary Islands, Catalonia and Galicia

5. Brief description

Construction work for the location of facilities for communication, surveillance and monitoring of merchant shipping:

- a 2 639 m² building within the port of La Coruña,
- buildings in el Musel (Gijón) totalling 3 406 m² and a protected heliport area measuring 1 200 m²,
- a 2 790 m² building on the Muelle de la Piedra in the port of Santa Cruz de Tenerife,
- buildings in the port of Barcelona adjacent to the new buildings for the Puerto Autónomo (independent port) totalling 2 045 m² and a protected heliport area measuring 1 064 m².

The equipment in these buildings will include the following:

- radar,
- radiogoniometry,
- communications equipment and transceivers for various bands and channels,
- direct printing and narrow-band telegraphy equipment, radiotelex,
- meteorology station,
- communications recorder,
- auxiliary systems (fire detection, safety, continuous power supply, etc.).

Additional equipment for and extension of the existing building in Tarifa.

6. Principal objectives

The objectives are:

- to coordinate search, rescue and anti-pollution operations in the areas in question,

- to locate and monitor, using radar and radiogonometry, shipping entering and leaving the port,
- to maintain a permanent communications watch on international shipping distress frequencies.

Completion of the project will permit monitoring of the following shipping movements (figures are minima):

- 40 000 ships per year through the Straits of Gibraltar,
- 70 000 vessels and a further 2 100 vessels entering the port of La Coruña,
- 2 200 merchant vessels between the ports of Avilés and Gijón with extended cover to monitor 25 000 passing vessels,
- 12 500 merchant ships which call each year at Santa Cruz de Tenerife and 50 000 vessels which pass through the channel between Tenerife and Gran Canaria,
- 20 000 vessels in transit throughout the area covered and the entry of over 6 300 merchant vessels into the port of Barcelona.

7. Work schedule

Date of commencement: March 1992

Date of completion: March 1994

8. Economic and social benefits

The 1958 Convention on the High Seas and the Hamburg International Convention on Maritime Search and Rescue require coastal States to promote the establishment and maintenance of an adequate and effective search and rescue service to ensure the safety of human life at sea. The 1974 Convention for the Safety of Life at Sea requires government to adopt specific measures to guarantee the safety of persons who find themselves in danger off their coasts.

- The Catalan coast has large refineries, oil and gas pipelines where millions of tonnes of hydrocarbons and chemical products are loaded and unloaded. This requires establishment of a rescue coordination and anti-pollution centre.
- Because of its special position on Europe's Atlantic coast, establishment of a monitoring, rescue and anti-pollution centre in Asturias will improve the safety of shipping in the area and considerably improve protection of the maritime environment, so avoiding the type of pollution which occurred in previous years with the sinking of the 'Castillo de Salas' and 'Neretva' off Gijón.
- The special position of the Canary Islands as a transit port for vessels plying between Africa and Europe and a compulsory port of call for large vessels from the oil ports on the Persian Gulf requires the establishment of a rescue coordination and anti-pollution centre.

A large number of sporting and pleasure boats sail near the islands and every day 250 fishing vessels work the fishing grounds between the Canaries and Africa.

- During 1992 the Tarifa rescue and anti-pollution centre dealt with more than 100 incidents concerning safety at sea and pollution and helped save more than 200 lives. The centre permits monitoring of merchant shipping using the ports of Algeciras, Cádiz and Huelva where oil refineries and oil and gas pipeline heads are located and that using the ports of Ceuta and Algeciras.
- The geographical location of Galicia, its particular meteorological conditions and its substantial fisheries resources require the establishment of a rescue coordination centre to monitor shipping in the area and avoid accidents, of which the latest example was that which occurred to the 'Mar Egeo' in December 1992.

9. Contribution to trans-European networks and the Community environment policy

Implementation of the project forms part of the integrated regional VTS network coordinated by the Commission on the basis of the design formulated in Cost 301 which should be integrated into the trans-Europe VTS network.

The project complies with the requirements of the following Community policies:

- Transposition of the Community Directive of 15 December 1992 on the transport by sea of hazardous or polluting goods.
- The recommendations of the White Paper on the future development of the common transport policy approved by the Commission on 8 December 1992.
- The agreements adopted by the extraordinary Council of Community Environment and Transport Ministers meeting on 25 January 1993 concerning safety at sea and the prevention of pollution.

10. Cost

(in 1 000 ECU) ⁽¹⁾

Total cost	25 109,247
Expenditure prior to 1 January 1993	6 748,565
Total eligible cost	18 360,682
Total assistance applied for from the cohesion financial instrument	15 606,579

⁽¹⁾ ECU 1 = Pta 154,122.

Breakdown of the assistance requested

(ECU '000) ⁽¹⁾

Tarifa	565,167
Finisterre—La Coruña	9 545,523
Gijón	1 663,446
Tenerife	1 999,453
Barcelona	1 832,990

⁽¹⁾ ECU 1 = Pta 154,122.

ANNEX II

FINANCING PLAN

Project: 93/11/65/026-030

(ECU '000)

Year	Total cost ⁽¹⁾	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
			%		%	Total	%	Central government	Other			%	
	1=2+11	2=4+6+10	3=2/1	4	5=4/2	6=8+9	7=6/2	8	9	10	11	12=11/1	13
1993	12 162,312	12 162,312	100	10 337,965	85	1 824,347	15	1 824,347					
1994	6 198,370	6 198,370	100	5 268,614	85	929,756	15	929,756					
1995													
Total	18 360,682	18 360,682	100	15 606,579	85	2 754,103	15	2 754,103					

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of the Decision according to the procedures described in point 12.

Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be denominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Regulation (EEC) No 4253/88. If the authority does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

Procedure for amending the project Decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
 - (a) Amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
 - (b) In the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10% of the total expenditure planned for the project shall not be regarded as a substantial change of the financing plan and the schedule of expenditure.

Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
 15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.
-

ANNEX IV

MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a Community contribution from the Commission as technical support.

A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
 - the Monitoring Committee set up by each Member State concerned,
 - reports,
 - sample checks.

Monitoring Committee

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Spain shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Spain.

5. The Committee shall:
 - (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
 - (b) give its opinion on the draft annual reports on implementation referred to in point 6;
 - (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
 - (d) ensure publicity for the project;
 - (e) ensure that Community policies are respected, especially environment policy;
 - (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

Reports

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

Checks

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

B. Assessment

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
 11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.
-

ANNEX V

INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 85 %. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicize the project using appropriate means, especially audio-visual means. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- the Member State concerned shall provide the public with brochures, leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure that there is transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC ⁽¹⁾ have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months after the adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been or are not being complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within a specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

COMMISSION DECISION

of 16 December 1993

concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Rosslare harbour development (stage II)

No CF: 93/07/65/027

(Only the English text is authentic)

(94/254/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾ and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas under Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾ are to apply, *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measures for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that measures which are described in Annex V of this decision are undertaken;

Whereas on 10 August 1993 Ireland submitted an application for assistance from the cohesion financial instrument for the project Rosslare harbour development (stage II);

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC) No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of that Regulation;

Whereas the project is a transport infrastructure project of common interest;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 792/93, technically and financially discrete stages of the project have been identified for the purpose of granting assistance from the financial instrument;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽³⁾, as last amended by Council Regulation (Euratom ECSC, EEC) No 610/90 ⁽⁴⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas under Article 9 of Regulation (EEC) 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV of this Decision;

Whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted under Article 9 (3) of Regulation (EEC) No 792/93;

Whereas all the other conditions laid down have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

1. The project Rosslare harbour development (stage II) situated in Ireland as described in Annex I hereto is hereby approved for the period 1 November 1993 to 31 March 1994.

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ NO L 356, 31. 12. 1977, p. 1.

⁽⁴⁾ OJ No L 70, 16. 3. 1990, p. 1.

2. References to 'project' in the following Articles and Annexes shall be understood to mean also 'stage of project'.

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 6 000 000.

2. The rate of Community assistance granted to the project shall be fixed at 85 %.

3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 5 100 000.

4. The contribution is committed from the 1993 budget.

Article 3

1. Community assistance shall be based on the financial plan for the project set out in Annex II.

2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.

3. The amount of the first advance payment shall be fixed at ECU 1 416 667.

Article 4

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Ireland and for which the requisite finance has been specifically allocated to works to be completed not later than 31 March 1994.

2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.

3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in the first subparagraph 1.

Article 5

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7, 30, 52 and 59 of the Treaty, as well as with Community law, in particular with the directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings under Article 169 of the Treaty.

Article 6

Systematic monitoring and assessment of the project take place in accordance with the provisions set out in Annex IV hereto.

Article 7

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

Article 8

Each Annex to this Decision shall form an integral part of it.

Article 9

Failure to comply with the provisions of this Decision or its Annexes may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

Article 10

This Decision is addressed to Ireland.

Done at Brussels, 16 December 1993.

For the Commission

PETER SCHMIDHUBER

Member of the Commission

ANNEX I

SUMMARY SHEET

1. Name of project

Rosslare Harbour Development (Stage II)

2. Organization responsible for the application

2.1. Name: Department of Transport, Energy and Communications

2.2. Address: Kildare Street
Dublin 2
Ireland

3. Organization responsible for project implementation

3.1. Name: Iarnród Eireann

3.2. Address: Connolly Station, Dublin 1

4. Location of project

4.1. Member State: Ireland

4.2. County: County Wexford

5. Description of project

The project involves:

- the rebuilding and re-alignment of berth No 3,
- the development of a new link span to berth no. 3 (the work includes the removal of an old ramp which was installed in 1968 as a temporary facility. This is only three meters wide, and limits the range of ferry which can be accommodated), and
- the provision of additional paving, automatic level crossing, parking and access control and additional security including closed circuit television.

6. Objectives

The project is intended to enhance the facilities at Rosslare Harbour to achieve safer and more efficient passenger and freight services. It will reduce the cost of passenger and freight surface travel between Ireland and other Community Member States.

7. Timetable

	Start date	Completion date
Design studies	—	completed
Land acquisition	—	none
main works	1. 11. 1993	31. 3. 1994
Operational phase		

8. Cost-benefit analysis

The cost-benefit analysis shows an internal rate of return on this project of 9%.

9. Environmental impact assessment

In accordance with the provisions of the European Communities (environmental Impact assessment) Regulations 1989, which transpose Council Directive 85/337/EEC ⁽¹⁾ into Irish law, an environmental impact assessment has been completed by County Wexford in 1991. This study shows that the project will have beneficial impacts on the local area without any major adverse effects.

10. Total costs

(ECU million)

Total costs	Expenditure before eligible date	Total eligible costs
6,0	—	6,0

⁽¹⁾ OJ No L 175, 5. 7. 1985, p. 40.

ANNEX II

FINANCING PLAN

Project: 93/07/65/027

(ECU '000)

Year	Total cost ⁽¹⁾	Public expenditure										Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other				
						Total		Central government	Other					
1=2+11	2=4+6+10	3=2/1	4	5=4/2	6=8+9	7=6/2	8	9	10	11	12=11/1	13		
1993	2 500	2 500	100	2 125	85					375				
1994	3 500	3 500	100	2 975	85					525				
1995														
Total	6 000	6 000	100	5 100	85					900				

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of the Decision according to the procedures described in point 12.

Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be dominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Regulation (EEC) No 4253/88. If the authority does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

Procedure for amending the project Decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
- (a) Amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
 - (b) In the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10 % of the total expenditure planned for the project shall not be regarded as a substantial change of the financing plan and the schedule of expenditure.

Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.
-

ANNEX IV

MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a contribution from the Commission as technical support.

A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
 - the Monitoring Committee set up by each Member State concerned,
 - reports,
 - sample checks.

Monitoring Committee

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Ireland shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Ireland.

5. The Committee shall:
 - (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
 - (b) give its opinion on the draft annual reports on implementation referred to in point 6;
 - (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
 - (d) ensure publicity for the project;
 - (e) ensure that Community policies are respected, especially environment policy;
 - (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

Reports

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

Checks

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

B. Assessment

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
 11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.
-

ANNEX V

INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 85%. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicize the project using appropriate means, especially audio visual means available. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure that there is transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC ⁽¹⁾ have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months after the adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER
COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within a specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.

COMMISSION DECISION

of 20 December 1993

concerning the grant of assistance from the cohesion financial instrument to the following project in Ireland: Ballinrobe sewerage (stage I and II)

No CF: 93/07/61/027

(Only the English text is authentic)

(94/255/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 792/93 of 30 March 1993 establishing a cohesion financial instrument ⁽¹⁾ and in particular Article 8 (6) thereof,

Whereas Article 1 of Regulation (EEC) No 792/93 establishes a cohesion financial instrument to provide Community support for projects in the fields of the environment and trans-European transport infrastructure networks;

Whereas under Article 9 of Regulation (EEC) No 792/93 certain provisions of Titles VI and VII of Council Regulation (EEC) No 4253/88 of 19 December 1988 concerning the provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽²⁾ are to apply, *mutatis mutandis*;

Whereas Article 2 of Regulation (EEC) No 792/93 defines the types of measures for which the cohesion financial instrument may provide assistance;

Whereas Article 10 of Regulation (EEC) No 792/93 requires the Member States to ensure that adequate publicity is given to the operations of the financial instrument and that measures which are described in Annex V of this decision are undertaken;

Whereas on 30 June 1993 Ireland has submitted an application for assistance from the cohesion financial instrument for the project Ballinrobe sewerage (stage I and II);

Whereas that application concerns a project which is eligible under the terms of Article 2 of Regulation (EEC) No 792/93;

Whereas the application for assistance contains all the information required by Article 8 (4) of Regulation (EEC) No 792/93 and satisfies the criteria set out in Article 8 (3) and (5) of that Regulation;

Whereas the project will help achieve the objectives of Article 130 r of the Treaty concerning the environment;

Whereas the project is the result of measures taken in accordance with Article 130 s of the Treaty;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 792/93, technically and financially discrete stages of the project have been identified for the purpose of granting assistance from the financial instrument;

Whereas Article 1 of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities ⁽³⁾, as last amended by Council Regulation (Euratom ECSC, EEC) No 610/90 ⁽⁴⁾, states that the legal commitments entered into for measures extending over more than one financial year shall contain a time limit for implementation which must be specified to the recipient in due form when the aid is granted;

Whereas under Article 9 of Regulation (EEC) 792/93, the Commission and the Member State will ensure that there is evaluation and systematic monitoring of the project;

Whereas the financial implementation provisions, monitoring and assessment are specified in Annexes III and IV of this Decision;

Whereas failure to comply with those provisions may result in suspension or reduction of the assistance granted under Article 9 (3) of Regulation (EEC) No 792/93;

Whereas all the other conditions laid down have been complied with,

HAS ADOPTED THIS DECISION:

Article 1

1. The project Ballinrobe sewerage (stage I and II) situated in Ireland as described in Annex I hereto is hereby approved for the period 1 January 1993 to 31 March 1994.

⁽¹⁾ OJ No L 79, 1. 4. 1993, p. 74.

⁽²⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽³⁾ OJ NO L 356, 31. 12. 1977, p. 1.

⁽⁴⁾ OJ No L 70, 16. 3. 1990, p. 1.

2. References to 'project' in the following Articles and Annexes shall be understood to mean also 'stage of project'.

Article 2

1. The maximum eligible expenditure to be taken as the basis for this Decision shall be ECU 4 989 000.

2. The rate of Community assistance granted to the project shall be fixed at 85 %.

3. The maximum amount of the contribution from the cohesion financial instrument shall be fixed at ECU 4 240 650.

4. The contribution is committed from the 1993 budget.

Article 3

1. Community assistance shall be based on the financial plan for the project set out in Annex II.

2. Commitments and payments of Community assistance granted to the project shall be made in accordance with Article 9 of Regulation (EEC) No 792/93 and as specified in Annex III.

3. The amount of the first advance payment shall be fixed at ECU 1 704 533.

Article 4

1. Community assistance shall cover expenditure on the project for which legally binding arrangements have been made in Ireland and for which the requisite finance has been specifically allocated to works to be completed not later than 31 March 1994.

2. Expenditure incurred before 1 January 1993 shall not be eligible for assistance.

3. The closing date for the completion of national payments on the project is fixed not later than 12 months after the date mentioned in the first subparagraph 1.

Article 5

1. The project shall be carried out in accordance with Community policies, and in particular with Articles 7, 30, 52 and 59 of the Treaty, as well as with Community law, in particular with the directives coordinating public procurement procedures.

2. This Decision shall not prejudice the right of the Commission to commence infringement proceedings under Article 169 of the Treaty.

Article 6

Systematic monitoring and assessment of the project take place in accordance with the provisions set out in Annex IV hereto.

Article 7

The Member State concerned shall ensure adequate publicity for the project as specified in Annex V.

Article 8

Each Annex to this Decision shall form an integral part of it.

Article 9

Failure to comply with the provisions of this Decision or its Annexes may entail a reduction or suspension of assistance in accordance with the provisions set out in Annex VI.

Article 10

This Decision is addressed to Ireland.

Done at Brussels, 20 December 1993.

For the Commission
PETER SCHMIDHUBER
Member of the Commission

ANNEX I

SUMMARY SHEET

1. Name of project

Ballinrobe Sewerage Scheme, (Stage I + II)

2. Organization responsible for the application

2.1. Name: Department of the Environment

2.2. Address: O'Connell Bridge House,
Dublin 2,
Ireland

3. Organization responsible for project implementation

3.1. Name: Mayo County Council

3.2. Address: County Buildings, Castlebar
County Mayo

4. Location of project

4.1. Member State: Ireland

4.2. County: County Mayo

5. Description of project

The project includes the planning stage and the first construction stage of a sewerage scheme for the town of Ballinrobe. It includes the construction of a new extended secondary treatment plant including phosphate removal, a collection system and the provision of two pumping stations.

6. Objectives

The project will ensure the compliance with Council Directive 91/271/EEC ⁽¹⁾ concerning Urban Waste Water treatment. It will lead to cessation of pollution of the River Robe which flows into Lough Mask (source of water supply to 18 500 consumers in the County). The main objectives are to preserve, protect and improve the quality of water resources in this area.

7. Timetable

	Start date	Completion date
Design studies	1987	1992
Land acquisition	1989	1991
Main works	September 1993	1995
Operational phase	1996	

8. Cost-benefit analysis

The Cost-benefit analysis shows an internal rate of return on this project of 10,3%. The principal beneficial impacts of the proposed scheme are to be expected in the fields of employment, tourism and industrial development in the area.

⁽¹⁾ OJ No L 135, 30. 5. 1991, p. 40.

9. Environmental impact assessment

An environmental impact assessment was not necessary in this instance. However, the project application states that the preliminary report and investigations took account of all relevant environmental considerations.

10. Total costs

(ECU million)

Total costs	Expenditure before eligible date ⁽¹⁾	Total eligible costs
5,067	0,078	4,989

⁽¹⁾ Expenditure after 1 January 1993 is eligible.

ANNEX II

FINANCING PLAN

Project: 93/07/61/027

(ECU '000)

Year	Total cost ⁽¹⁾	Public expenditure									Private sector		Community loans
		Total public expenditure		Cohesion instrument		National authorities				Other			
						Total		Central government	Other				
					%		%		%				
	1=2+11	2=4+6+10	3=2/1	4	5=4/2	6=8+9	7=6/2	8	9	10	11	12=11/1	13
1993	3 008	3 008	100	2 557	85	451	15	451					
1994	1 981	1 981	100	1 684	85	297	15	297					
1995													
Total	4 989	4 989	100	4 241	85	748	15	748					

⁽¹⁾ Total eligible cost of project.

ANNEX III

FINANCIAL IMPLEMENTING PROVISIONS

1. The financial provisions referred to in Article 9 of Regulation (EEC) No 792/93 shall be implemented as follows:

Community assistance

2. Community assistance shall be expressed as a percentage of eligible expenditure. If the actual expenditure incurred differs from the expenditure initially planned, the Community assistance granted shall be varied to take account of this but may not exceed the maximum amount stated in the Decision. A change of the rate of Community assistance or of the maximum amount of the grant will require a modification of the Decision according to the procedures described in point 12.

Commitments and payments

3. The Member State shall undertake to ensure that, for the project to which this Decision relates, all public or private bodies involved in the management and implementation of these operations maintain either a separate accounting system or an adequate accounting codification of all transactions concerned which will facilitate the verification of expenditure by the Community and national control authorities.
4. Budgetary commitments and payments shall be made in accordance with Article 9 (4), (5) and (6) of Regulation (EEC) No 792/93.
5. All payments of aid granted by the Commission under this Decision shall be made to the authority designated by the Member State, which shall also be responsible for refunding any overpaid amounts to the Commission. Payments shall be made to a single bank account designated by the Member State. As a general rule, the Commission shall make payments no later than two months after receipt of a valid application.
6. The Member State shall ensure that applications for payment and statements of expenditure actually incurred comply with the financing plan, including the schedule of expenditure, annexed to this Decision, as amended where appropriate, following the procedures laid down in points 12 and 13.
7. In accordance with Article 22 of Regulation (EEC) No 4253/88, all commitments and payments shall be in ecus.
8. Statements of expenditure in support of applications for payment shall be dominated in ecus or in national currency.
9. Member States which submit statements of expenditure in ecus shall convert the amounts of expenditure incurred in national currency into ecus using the rate for the month during which the expenditure was booked in the accounts of the authorities responsible for the financial management of projects. Each month the Commission shall inform the Member States of the rate to be used for that purpose.
10. Statements of expenditure in national currency shall be converted into ecus at the rate for the month when they were received by the Commission.

Recovery of undue payments

11. Any sum wrongly paid shall be repaid to the Commission by the authority designated in point 5. Interest on account of late payments shall be charged on sums not repaid in accordance with Article 24 (3) of Regulation (EEC) No 4253/88. If the authority does not repay the amount due to the Community, the Member State shall refund this amount to the Commission.

Procedure for amending the project Decision

12. Any amendments to the Decision shall be made in accordance with the following procedures:
- (a) Amendments which entail a substantial change in the objectives or characteristics of the project, an increase or reduction in the rate of financing applied or the maximum amount of assistance or a substantial change in the financing plan or schedule of expenditure shall be made by means of a Commission decision taken in response to a request by the Member State or on the initiative of the Commission, after consultation with the Member State;
 - (b) In the case of other amendments, the Member State shall send the Commission a proposal for amendment. The Commission shall make its comments or signify its agreement within 20 working days of receipt of the proposal. The amendments shall be adopted when the Commission has given its agreement.
13. Any change in annual expenditure of less than 10 % of the total expenditure planned for the project shall not be regarded as a substantial change of the financing plan and the schedule of expenditure.

Procedure for closing a project

14. The time limits for complying with the legal obligations contracted under this Decision shall be complied with and payments made in accordance with Article 4 of the Decision. These may be amended before they expire in accordance with the procedure in point 12 (b) provided that the extension does not exceed one year. For that purpose, the Member State shall send the Commission a proposal for amendment together with information justifying the amendment. Where the extension exceeds one year, the procedure in point 12 (a) shall apply.
15. If the time limit is not extended, any expenditure incurred after the dates indicated in Article 4 of the Decision shall not be eligible for assistance from the financial instrument.
-

ANNEX IV

MONITORING AND ASSESSMENT

1. The national body responsible for implementation shall be fully involved in the monitoring and assessment of projects. In order to carry out these obligations, the Member States may request a contribution from the Commission as technical support.

A. Monitoring

2. Monitoring means a system of information on the progress made in implementing the project. Monitoring shall use financial and, where appropriate, physical indicators which enable actual progress on completion of the project to be compared with the financing plan in Annex II and the schedule for implementation in Annex I.
3. The implementation of projects shall be monitored by means of:
 - the Monitoring Committee set up by each Member State concerned,
 - reports,
 - sample checks.

Monitoring Committee

4. The Monitoring Committee set up to monitor projects financed by the cohesion financial instrument in Ireland shall be responsible for monitoring the project which is the subject of this Decision. The Committee shall review its implementation at regular intervals and, where necessary, propose any adjustments required.

The composition of the Monitoring Committee, including appointment of its chairman, its operation and frequency of meetings, shall be adopted by joint agreement between the Member State and the Commission, not later than three months after the approval of the first project in Ireland.

5. The Committee shall:
 - (a) monitor the proper implementation of the project and ensure that it achieves the objectives laid down for it in accordance with the plan originally adopted;
 - (b) give its opinion on the draft annual reports on implementation referred to in point 6;
 - (c) propose, when appropriate, the necessary measure to ensure that the project achieves the objectives laid down for it;
 - (d) ensure publicity for the project;
 - (e) ensure that Community policies are respected, especially environment policy;
 - (f) decide by agreement between the Commission and the Member State any additional responsibilities of the Committee.

In general, the documents required for meetings of the Committee shall be available three weeks in advance.

Reports

6. In accordance with Article 25 (4) of Regulation (EEC) No 4253/88, annual reports for each complete year of implementation and a final report shall be drawn up for the project which is the subject of this Decision.

The first annual report on this project shall be submitted to the Commission by the authority responsible no later than 15 months after adoption of the Decision approving the project. The report shall contain the following information:

- progress of the project,
- details of any divergence from the implementation plan originally laid down,
- an outline of the main problems encountered and the measures taken to solve them.

On the basis of the information in the annual reports, the Commission and the Member State may, where necessary, revise the financing plan for the project and make adjustments to it.

The final report, to be submitted six months after physical completion of the project, shall report on the work carried out and its conformity with the Decision approving the project and give an initial appraisal of the chances of achieving the results sought.

Payment of the balance of Community assistance shall be subject to approval of the final report.

Checks

7. Checks may be carried out in accordance with Article 23 (2) of Regulation (EEC) No 4253/88 by both the Member State and the Commission. The Member State and the Commission shall immediately exchange any relevant information concerning the results.
8. For a period of three years following the last payment in respect of the project, the authority responsible for implementation shall keep available for the Commission all the supporting documents regarding expenditure.
9. The Member State shall keep available for the Commission all appropriate national reports concerning the checks carried out.

B. Assessment

10. An assessment of the project may be carried out during its implementation at the request of the Member State or on the initiative of the Commission in order to assess whether the project is progressing in accordance with the objectives originally laid down and to propose adjustments to take account of problems encountered during implementation. The Monitoring Committee shall take into account this evaluation.
 11. An *ex-post* assessment of the impact of the project may be carried out by an assessor appointed by joint agreement between the Member State and the Commission once the project has been completed.
-

ANNEX V

INFORMATION AND PUBLICITY

The Member State concerned should ensure that the general public are aware of the role played by the Community in financing the project. The following measures, *inter alia*, should be undertaken with this end in view:

- panels of an appropriate size, to be agreed between the Member State and the Commission, shall mark the project. These panels should indicate that the project in question has been funded by the Cohesion Fund of the European Community at a rate of 85%. Appropriate European Community identity symbols should be used on every panel,
- the Member State concerned shall publicize the project using appropriate means, especially audio visual means available. Such publicity shall refer to the objectives and actions and to the benefits to the general public which will derive from the project,
- leaflets and other types of information. They may use Community channels for the distribution of these brochures and leaflets,
- from the outset, the Member State concerned shall ensure that there is transparent and open access to appropriate information requested by the public. With regard to environmental projects the provisions of Council Directive 90/313/EEC ⁽¹⁾ have to be respected.

The Member State concerned shall consult the Commission on what initiatives it proposes to take in this respect within two months after the adoption of the Decision. It shall also report annually to the Commission on the information and publicity measures undertaken.

⁽¹⁾ OJ No L 158, 23. 6. 1990, p. 56.

ANNEX VI

OBSERVANCE OF THE TERMS AND CONDITIONS OF THE DECISION AND OF OTHER
COMMUNITY POLICIES

1. The Member State and the beneficiaries shall ensure that Community finance is used for the purposes intended.
2. Where the Commission considers that for a given project, this requirement or other provisions of the Decision or of Community policies have not been complied with, it shall conduct suitable examination of the case in particular requesting that the Member State or other authorities designated by it to implement the project submit their comments within a specified period of time.

Following this examination, the Commission may suspend payments of Community funds. In this case, it will notify the authority in the Member State responsible for implementation of the project. This letter of notification shall also state the action to be taken in respect of Community funds already paid out for the project.

3. For projects in respect of which the above steps have been taken, the current and the remaining payments shall be considered suspended totally or in part until the Commission is satisfied that the necessary remedial measures have been taken.
4. If this examination reveals finally that the proper terms and conditions of the Decision and of Community policy have not been complied with, and that corrective measures have not been taken by the Member State, the assistance shall be reduced or cancelled. Provisions concerning the recovery of funds unduly paid are set out in point 11 of Annex III.