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II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 15 May 2000

approving the single programming document for Community structural assistance under Objective 1 in the region of Hainaut in Belgium

(notified under document number C(2000) 1222)

(Only the French and Dutch texts are authentic)

(2002/320/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Articles 13 and following of Title II of Regulation (EC) No 1260/1999 lay down the procedure for preparing and implementing single programming documents.
- (2) Article 15(1) and (2) of Regulation (EC) No 1260/1999 provides that, after consultation with the partners referred to in Article 8 of the Regulation, the Member State may submit to the Commission a development plan which is treated as a draft Single Programming Document, and which contains the information referred to in Article 16 of the Regulation
- (3) Under Article 15(5) of Regulation (EC) No 1260/1999, on the basis of the regional development plan submitted by the Member State and within the partnership established in accordance with Article 8 of that Regulation, the Commission is to take a decision on the

single programming document, in agreement with the Member State concerned and in accordance with the procedures laid down in Articles 48 to 51.

- (4) The Belgian Government submitted to the Commission on 7 December 1999 an acceptable draft Single Programming Document for the province of Hainaut qualifying for transitional support under Objective 1 pursuant to Article 6(1) of Regulation (EC) No 1260/1999. The draft contains the information listed in Article 16 of the Regulation, and in particular a description of the priorities selected and an indication of the financial contribution from the European Regional Development Fund (ERDF), the European Social Fund (ESF), the European Agricultural Guidance and Guarantee Fund (EAGGF), Guidance Section, and the Financial Instrument for Fisheries Guidance (FIFG).
- (5) The date of submission of the draft which was considered acceptable by the Commission constitutes the date from which expenditure under the plan is eligible. Under Article 30 of the Regulation, it is necessary to lay down the final date for the eligibility of expenditure.
- (6) The rural development measures to be financed by the EAGGF are governed, in particular as regards their compatibility and consistency with common agricultural policy measures, by Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) ⁽²⁾.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

- (7) The single programming document has been drawn up in agreement with the Member State concerned and within the partnership.
- (8) The Commission has satisfied itself that the Single Programming Document is in accordance with the principle of additionality.
- (9) Under Article 10 of Regulation (EC) No 1260/1999, the Commission and the Member State are required to ensure, in a manner consistent with the principle of partnership, coordination between assistance from the Funds and from the EIB and other existing Financial Instruments.
- (10) The EIB has been involved in drawing up the single programming document in accordance with the provisions of Article 15(5) of Regulation (EC) No 1260/1999 and has declared itself prepared to contribute to its implementation with the estimated loan amounts indicated in this Decision and in conformity with its statutory provisions.
- (11) The financial contribution from the Community available over the entire period and its year-by-year breakdown are expressed in euro. The annual breakdown should be consistent with the relevant financial perspective. Under Article 7(7) of Regulation (EC) No 1260/1999, the Community contribution has already been indexed at a rate of 2 % per year. Under Article 7(7) and Article 44(2) of the Regulation, the Community contribution may be reviewed at mid-term, and not later than 31 March 2004, to take account of the effective level of inflation and the allocation of the performance reserve.
- (12) Provision should be made for adapting the financial allocations of the priorities of this single programming document within certain limits to actual requirements reflected by the pattern of implementation on the ground, in agreement with the Member State concerned,
- (a) the strategy and priorities for the joint action of the Structural Funds and the Member State; their specific quantified targets; the *ex ante* evaluation of the expected impact, including on the environmental situation, and the consistency of the priorities with the economic, social and regional policies and the employment strategy of Belgium. The priorities are as follows:
1. creating growth centres by developing the productive base;
 2. creating growth centres through the knowledge economy;
 3. developing the potential of agriculture, forestry, aquaculture and the countryside;
 4. increasing the attractiveness of the area through restoration and image-promotion;
 5. a preventative approach to the labour market;
 6. improving reintegration into working life and social inclusion;
 7. technical assistance;
- (b) a summary description of the measures planned to implement the priorities, including the information needed to check compliance with the State aid rules under Article 87 of the Treaty;
- (c) the indicative financing plan specifying for each priority and each year the financial allocation envisaged for the contribution from each Fund and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year for the single programming document is consistent with the relevant financial perspective;

HAS ADOPTED THIS DECISION:

Article 1

The single programming document for Community structural assistance under Objective 1 in the region of Hainaut qualifying for transitional support under Objective 1 in Belgium for the period 1 January 2000 to 31 December 2006 is hereby approved.

Article 2

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

- (d) the provisions for implementing the single programming document including designation of the managing authority, a description of the arrangements for managing the single programming document and the use to be made of global grants, a description of the systems for monitoring and evaluation, including the role of the Monitoring Committee and the arrangements for the participation of the partners in that Committee;
- (e) the *ex ante* verification of compliance with additionality and information on the transparency of financial flows;
- (f) information on the resources required for preparing, monitoring and evaluating the assistance.
2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and

the Member State at EUR 2 221 740 000 for the whole period and the financial contribution from the Structural Funds at EUR 645 000 000.

The resulting requirement for national resources of EUR 657 300 000 from the public sector and EUR 919 440 000 from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments.

Article 3

1. The total assistance from the Structural Funds granted under the single programming document amounts to EUR 645 000 000. The procedure for granting the financial assistance, including the financial contribution from the Funds for the various priorities included in the Single Programming Document, is set out in the financing plan annexed to this Decision.

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

ERDF	EUR 409 790 000
ESF	EUR 191 900 000
EAGGF Guidance Section	EUR 41 570 000
FIFG	EUR 1 740 000

3. During implementation of the financing plan, the total cost or Community financing of a given priority may be adjusted in agreement with the Member State by up to 25 % of the total Community contribution to the single programming document throughout the programme period, up to a maximum of EUR 60 million, without altering the total Community contribution referred to in paragraph 1.

Article 4

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

Community financing of state aid falling within Article 87(1) of the Treaty, granted under aid schemes or in individual cases, requires prior approval by the Commission under Article 88 of the Treaty, except where the aid falls under the *de minimis* rule or is exempted under an exemption regulation adopted by the Commission under Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 87 and 88 to certain categories of horizontal State aid ⁽³⁾. In the absence of such exemption or approval, aid is illegal and subject to the consequences set out in the procedural regulation for State aid, and its part-financing would be treated as an irregularity within the meaning of Articles 38 and 39 of Regulation (EC) No 1260/1999. Consequently, the Commission will not accept requests for interim and final payments under Article 32 of the Regulation for measures being part-financed with new or altered aid, as defined in the procedural regulation for State aid, granted under aid schemes or in individual cases, until such aid has been notified to and formally approved by the Commission.

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

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

Article 5

The date from which expenditure shall be eligible is 7 December 1999. The closing date for the eligibility of expenditure shall be 31 December 2008. This date is extended to 30 April 2009 for expenditure incurred by bodies granting assistance under Article 9(l) of Regulation (EC) No 1260/1999.

Article 6

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 15 May 2000.

For the Commission

Michel BARNIER

Member of the Commission

⁽³⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 19 October 2000

approving the Community support framework for Community structural assistance in the Objective 1 regions and the region qualifying for transitional support under Objective 1 in Spain*(notified under document number C(2000) 2552)***(Only the Spanish text is authentic)**

(2002/321/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽¹⁾, and in particular Article 15(4) thereof,

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

Whereas:

(1) Articles 13 and following of Title II of Regulation (EC) No 1260/1999 lay down the procedure for preparing and implementing Community support frameworks.

(2) Article 15(1) and (2) of Regulation (EC) No 1260/1999 provides that, after consultation with the partners referred to in Article 8 of the Regulation, the Member State is to submit a development plan to the Commission containing the information referred to in Article 16 of the Regulation.

(3) Under Article 15(4) of Regulation (EC) No 1260/1999, on the basis of the regional development plan submitted by the Member State and within the partnership established in accordance with Article 8 of that Regulation, the Commission is to take a decision on Community support frameworks for Community structural assistance over the period 2000 to 2006 in agreement with the Member State concerned.

(4) The Spanish Government submitted to the Commission on 29 October 1999 a valid regional development plan for Spanish regions fulfilling the conditions for Objective 1 (Andalusia, the Canary Islands, Castile-León, Castile-La Mancha, Valencia, Extremadura, Galicia, Asturias, Murcia and Ceuta-Melilla) pursuant to

Article 3(1) and for Cantabria, qualifying for transitional support under Objective 1, pursuant to the first subparagraph of Article 6(1) of Regulation (EC) No 1260/1999. The plan contains the information listed in Article 16 of that Regulation, and in particular a description of the priorities selected and an indication of the financial contribution from the European Regional Development Fund (ERDF), the European Social Fund (ESF), the European Agricultural Guidance and Guarantee Fund (EAGGF), Guidance Section, the Financial Instrument for Fisheries Guidance (FIFG), the Cohesion Fund, the European Investment Bank (EIB) and the other financial instruments proposed for implementing the plan.

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

(6) The Commission has satisfied itself that the present Community support framework is in accordance with the principle of additionality.

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

(8) The EIB has been involved in drawing up the Community support framework in accordance with the provisions of Article 15(4) of Regulation (EC) No 1260/1999 and has declared itself prepared to contribute to its implementation with the estimated loan amounts indicated in this Decision and in conformity with its statutory provisions.

(9) The financial contribution from the Community available over the entire period and its year-by-year breakdown are expressed in euro. The annual breakdown should be consistent with the relevant financial perspective. Under Article 7(7) of Regulation (EC) No 1260/1999, the Community contribution has already been indexed at a rate of 2 % per year. Under

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

Article 7(7) and Article 44(2) of the Regulation, the Community contribution may be reviewed not later than 31 March 2004 to take account of the effective level of inflation and the allocation of the performance reserve.

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

(b) An overview of the operational programmes to be implemented, including their specific aims and the priorities selected.

- (c) The indicative financing plan specifying, for each priority and each year, the financial allocation envisaged for the contribution of each Fund, the EIB where appropriate, and the other financial instruments, and the amount of eligible public and estimated private funding from Spain. The financing plan indicates separately the funding planned for the region receiving transitional support in respect of Objective 1.

HAS ADOPTED THIS DECISION:

Article 1

The Community Support Framework for Community structural assistance and transitional support under Objective 1 in Spain for the period 1 January 2000 to 31 December 2006 is hereby approved.

The total contribution from the Funds planned for each year for the Community support framework is consistent with the relevant financial perspective.

Article 2

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

- (a) a statement of the priorities for the joint action of the Structural Funds and the Member State, their specific quantified targets, the *ex ante* evaluation of the expected impact and the consistency of the priorities with the economic, social and regional policies and the employment strategy of Spain.

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

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

- (f) Information on the appropriations required for preparing, monitoring and evaluating the Community support framework and the operational programmes.

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 84 753,8 million for the whole period and the financial allocation from the Structural Funds at EUR 39 548 million.

The priorities are as follows:

Priority 1: Improving competitiveness and developing the productive fabric;

Priority 2: Knowledge society (innovation, R&D, information society);

Priority 3: Environment, natural areas and water resources;

Priority 4: Development of human resources, employability and equal opportunities;

Priority 5: Local and urban development;

Priority 6: Transport and energy networks;

Priority 7: Agriculture and rural development;

Priority 8: Fisheries structures and aquaculture;

Priority 9: Technical assistance.

The resulting requirement for national resources of EUR 19 228,4 million from the public sector and EUR 25 977,4 million from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments. The total amount of EIB loans is estimated at EUR 7 716,3 million.

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

ERDF	EUR 24 178,7 million
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ESF	EUR 8 843,5 million
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EAGGF Guidance Section	EUR 5 021,2 million
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FIFG	EUR 1 504,6 million
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In addition to the contribution from the Structural Funds, assistance from the Cohesion Fund will amount to EUR 6 528,4 million for the period 2000 to 2006.

Article 3

This Decision is addressed to the Kingdom of Spain.

3. During implementation of the financing plan, the total cost or Community financing of a given priority may be adjusted in agreement with the Member State by up to 25 % of each priority throughout the programming period, up to a maximum of EUR 60 million, without altering the total Community contribution referred to in paragraph 1.

Done at Brussels, 19. October 2000.

For the Commission

Michel BARNIER

Member of the Commission

COMMISSION DECISION**of 28 November 2001****approving the Community support framework for Community structural assistance under Objective 1 in Greece***(notified under document number C(2000) 3405)***(Only the Greek text is authentic)***(2002/322/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽¹⁾, and in particular Article 15(4) thereof,

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

Whereas:

- (1) Articles 13 and following of Title II of Regulation (EC) No 1260/1999 lay down the procedure for preparing and implementing Community support frameworks.
- (2) Article 15(2) of Regulation (EC) No 1260/1999 provides that, after consultation with the partners referred to in Article 8 of the Regulation, the Member State is to submit a development plan to the Commission containing the information referred to in Article 16 of the Regulation.
- (3) Under Article 15(4) of Regulation (EC) No 1260/1999, on the basis of the regional development plan submitted by the Member State and within the partnership established in accordance with Article 8 of that Regulation, the Commission is to take a decision on Community support frameworks for Community structural assistance in agreement with the Member State concerned.
- (4) The Greek Government submitted to the Commission on 29 September 1999 a valid regional development plan for the whole country fulfilling the conditions for Objective 1 pursuant to Article 3(1) of Regulation (EC) No 1260/1999. The plan contains the information listed in Article 16 of that Regulation, and in particular a description of the priorities selected and an indication of the financial contribution from the European Regional Development Fund (ERDF), the European Social Fund (ESF), the European Agricultural Guidance and Guarantee Fund (EAGGF), Guidance Section, the Financial Instrument for Fisheries Guidance (FIFG), the Cohesion Fund, the European Investment Bank (EIB) and

the other financial instruments proposed for implementing the plan.

- (5) The Community support framework has been drawn up in agreement with the Member State concerned and within the partnership framework.
- (6) The Commission has satisfied itself that the present Community support framework is in accordance with the principle of additionality.
- (7) Under Article 10 of Regulation (EC) No 1260/1999, the Commission and the Member State are required to ensure, in a manner consistent with the principle of partnership, coordination between assistance from the Funds and from the EIB and other existing financial instruments.
- (8) The EIB has been involved in drawing up the Community support framework in accordance with the provisions of Article 15(4) of Regulation (EC) No 1260/1999 and has declared itself prepared to contribute to its implementation with the estimated loan amounts indicated in this Decision and in conformity with its statutory provisions.
- (9) The financial contribution from the Community available over the entire period and its year-by-year breakdown are expressed in euro. The annual breakdown should be consistent with the relevant financial perspective. Under Article 7(7) and Article 44(2) of Regulation (EC) No 1260/1999, the Community contribution may be reviewed at mid-term, and not later than 31 March 2004, to take account of the effective level of inflation and the allocation of the performance reserve. Under Article 7(7) of the Regulation, the Community contribution has already been indexed at a rate of 2 % per year.
- (10) Provision should be made for adapting the financial allocations of the priorities of this Community support framework within certain limits to actual requirements reflected by the pattern of implementation on the ground, in agreement with the Member State concerned,

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

The Community support framework for Community structural assistance under Objective 1 in Greece for the period 1 January 2000 to 31 December 2006 is hereby approved.

Article 2

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

- (a) a statement of the priorities for the joint action of the Structural Funds and the Member State, their specific quantified targets, the *ex ante* evaluation of the expected impact and the consistency of the priorities with the economic, social and regional policies and the employment strategy of Greece.

The priorities are as follows:

- (i) development of human resources and employment promotion,
- (ii) communications,
- (iii) enhancing competitiveness,
- (iv) rural development and fisheries,
- (v) quality of life,
- (vi) information society,
- (vii) regional development;
- (b) an overview of the operational programmes to be implemented, including their specific aims and the priorities selected;
- (c) the indicative financing plan specifying, for each priority and each year, the financial allocation envisaged for the contribution of each Fund, the EIB where appropriate, and the other financial instruments, and the amount of eligible public or equivalent and estimated private funding from Greece.

The total contribution from the Funds planned for each year for the Community support framework is consistent with the relevant financial perspective;

- (d) the provisions for implementing the Community support framework including the designation of the managing authority and the provision made for involvement of the partners in the Monitoring Committees.
- (e) the *ex ante* verification of additionality and information concerning the transparency of financial flows;

- (f) information on the appropriations required for preparing, monitoring and evaluating the Community support framework and the operational programmes.

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 44 292 031 140 for the whole period and the financial allocation from the Structural Funds at EUR 22 707 million.

The resulting requirement for national resources of EUR 11 206 008 762 from the public sector and EUR 10 379 022 378 from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments. The total amount of EIB loans is estimated at EUR 3 787 million.

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

ERDF	14 608 million
ESF	4 241,2 million
EAGGF	2 260,3 million
FIFG	211,1 million
Performance reserve	945,0 million
Programming reserve	441,4 million

In addition to the contribution from the Structural Funds, assistance from the Cohesion Fund will amount to EUR 3 320 million for the period 2000 to 2006.

3. During implementation of the financing plan, the total cost or Community financing of a given priority or intervention may be adjusted in agreement with the Member State by up to 25 % of each priority throughout the programming period or by up to EUR 60 million, whichever is the greater, without altering the total Community contribution referred to in paragraph 2.

Article 3

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 28 November 2000.

For the Commission

Michel BARNIER

Member of the Commission

COMMISSION DECISION

of 20 December 2000

approving the Community support framework for Community structural assistance in the region of Northern Ireland qualifying for transitional support under Objective 1 in the United Kingdom*(notified under document number C(2000) 4284)***(Only the English text is authentic)**

(2002/323/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽¹⁾, and in particular Article 15(4) thereof,

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

Whereas:

- (1) Articles 13 and Following of Title II of Regulation (EC) No 1260/1999 lay down the procedure for preparing and implementing Community Support Frameworks.
- (2) Article 15(1) and (2) of Regulation (EC) No 1260/1999 provides that, after consultation with the partners referred to in Article 8 of the Regulation, the Member State is to submit a development plan to the Commission containing the information referred to in Article 16 of the Regulation.
- (3) Under Article 15(4) of Regulation (EC) No 1260/1999, on the basis of the regional development plan submitted by the Member State and within the partnership established in accordance with Article 8 of that Regulation, the Commission shall take a decision on the Community Support Framework in agreement with the Member State concerned.
- (4) The United Kingdom Government submitted to the Commission on 15 November a valid regional development plan for Northern Ireland qualifying for transitional support under Objective 1 pursuant to Article 6(1) of Regulation (EC) No 1260/1999. The plan was completed on 3 March. It contains the information listed in Article 16 of that Regulation, and in particular a description of the priorities selected and an indication of the financial contribution from the European Regional Development Fund (ERDF), the European Social Fund (ESF), the European Agricultural Guidance and Guarantee Fund (EAGGF), Guidance Section, and

the Financial Instrument for Fisheries Guidance (FIFG) and the other financial instruments proposed for implementing the plan.

- (5) The Community support framework has been drawn up in agreement with the Member State concerned and within the partnership framework.
- (6) The Commission has satisfied itself that the present Community support framework is in accordance with the principle of additionality.
- (7) Under Article 10 of Regulation (EC) No 1260/1999, the Commission and the Member State are required to ensure, in a manner consistent with the principle of partnership, coordination between assistance from the Funds and from the EIB and other existing financial instruments.
- (8) The EIB has been involved in drawing up the Community Support Framework in accordance with the provisions of Article 15(4) of Regulation (EC) No 1260/1999.
- (9) The financial contribution from the Community available over the entire period and its year-by-year breakdown are expressed in euro. The annual breakdown must be consistent with the relevant financial perspective. Under Article 7(7) of Regulation (EC) No 1260/1999, the Community contribution has already been indexed at a rate of 2 % per year. Under Article 7(7) and Article 44(2) of the Regulation, the Community contribution may be reviewed at mid-term, and not later than 31 March 2004, to take account of the effective level of inflation and the allocation of the performance reserve.
- (10) Provision must be made for adapting the financial allocations of the priorities of this Community support framework within certain limits to actual requirements reflected by the pattern of implementation on the ground, in agreement with the Member State concerned,

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

The Community Support Framework for Community structural assistance benefiting from transitional support under Objective 1 in the region of Northern Ireland in the United Kingdom for the period 1 January 2000 to 31 December 2006 is hereby approved.

Article 2

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

- (a) a statement of the priorities for the joint action of Community Structural Funds and the Member State, their specific quantified targets, the *ex ante* evaluation of the expected impact and the consistency of the priorities with the economic, social and regional policies and the employment strategy of the United Kingdom.

The priorities are as follows:

- peace and reconciliation,
- economic growth and renewal,
- employment, human resource development and social inclusion,
- balanced regional urban and rural development,
- north-south and wider cooperation;

- (b) an overview of the operational programmes to be implemented, including their specific aims and the priorities selected;
- (c) the indicative financing plan specifying, for each priority and each year, the financial allocation envisaged for the contribution of each Fund, the EIB where appropriate, and the other financial instruments, and the amount of eligible public or equivalent and estimated private funding from the United Kingdom. The financing plan shall indicate separately the funding planned for the region receiving transitional support in respect of Objective 1;

The total contribution from the Funds planned for each year for the Community Support Framework is consistent with the relevant financial perspective;

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

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

- (f) information on the appropriations required for preparing, monitoring and evaluating the Community Support Framework and the operational programmes.

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 2 109,503 million for the whole period and the financial allocation from the Structural Funds at EUR 1 315,495 million.

The resulting requirement for national resources of EUR 588,308 million from the public sector and EUR 205,700 million from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments.

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

ERDF	EUR 745,919 million
ESF	EUR 429,586 million
EAGGF Guidance section	EUR 110,230 million
FIFG	EUR 29,760 million

3. During implementation of the financing plan, the total cost or Community financing of a given priority can be adjusted in agreement with the Member State by up to 25 % of the total Community contribution to the Community Support Framework throughout the programme period or by up to EUR 60 million, whichever is the greater, without altering the total Community contribution referred to in paragraph 1.

Article 3

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 20 December 2000.

For the Commission

Michel BARNIER

Member of the Commission

COMMISSION DECISION

of 15 May 2001

**approving the single programming document for Community structural assistance under
Objective 2 in the province of Limburg in Belgium**

*(notified under document C(2001) 861)***(Only the French and Dutch texts are authentic)**

(2002/324/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

an indication of the financial contribution from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) for implementing the plan.

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

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

The single programming document for Community structural assistance in the regions of the province of Limburg eligible under Objective 2 and those qualifying for transitional support under Objective 2 for the period 1 January 2000 to 31 December 2006 is hereby approved.

Article 2

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

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

1. initiatives in favour of the business sector and employment;
2. optimising the environment conditions;
3. integrated rural development in Haspengouw;
4. technical assistance;

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

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

(d) the provisions for implementing the single programming document including designation of the managing authority, a description of the arrangements for managing the single programming document and the use to be made of global grants, a description of the systems for monitoring and

evaluation, including the role of the Monitoring Committee and the arrangements for the participation of the partners in that Committee;

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

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

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 240 482 023 for the whole period and the financial contribution from the Structural Funds at EUR 92 696 000.

The resulting requirement for national resources of EUR 119 024 999 from the public sector and EUR 28 761 024 from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments.

Article 3

1. The total assistance from the Structural Funds granted under the single programming document amounts to EUR 92 696 000. The procedure for granting the financial assistance, including the financial contribution from the Funds for the various priorities included in the single programming document, is set out in the financing plan annexed to this Decision.

Of that amount, EUR 75 287 459 shall be granted immediately, while the grant of EUR 17 408 541, which exceeds the financial perspective currently in force, shall be suspended until that perspective has been adjusted by the two arms of the budgetary authority. In so far as the amount of the suspended grant actually corresponds, year by year, to the budget appropriations that will become available following that adjustment, the suspension shall be lifted without further formality on the entry into force of that adjustment and the grant shall then become effective.

The suspended amount referred to in the first paragraph shall be allocated by year as follows: EUR 3 725 055 in 2002, EUR 3 725 055 in 2003, EUR 3 725 055 in 2004, EUR 3 725 054 in 2005 and EUR 2 508 322 in 2006.

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

ERDF	EUR 82 070 000
ESF	EUR 10 626 000

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

Article 4

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

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

consequences set out in the procedural regulation for State aid, and its part-financing would be treated as an irregularity within the meaning of Article 38(5) of Regulation (EC) No 1260/1999.

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

Article 5

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

Article 6

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 15 May 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 31 May 2001

**approving the single programming document for Community structural assistance under
Objective 2 in the Kustgebied-Westhoek in the province of West Flanders in Belgium**

*(notified under document number C(2001) 868)***(Only the French and Dutch texts are authentic)**

(2002/325/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Articles 13 and following of Title II of Regulation (EC) No 1260/1999 lay down the procedure for preparing and implementing single programming documents.
- (2) Article 15(1) and (2) of Regulation (EC) No 1260/1999 provides that, after consultation with the partners referred to in Article 8 of the Regulation, the Member State may submit to the Commission a development plan which is treated as a draft single programming document, and which contains the information referred to in Article 16 of the Regulation.
- (3) Under Article 15(5) of Regulation (EC) No 1260/1999, on the basis of the regional development plan submitted by the Member State and within the partnership established in accordance with Article 8 of that Regulation, the Commission is to take a decision on the single programming document, in agreement with the Member State concerned and in accordance with the procedures laid down in Articles 48 to 51.
- (4) The Flemish Government submitted to the Commission on 31 May 2000 an acceptable draft single programming document for the regions of the province of West Flanders fulfilling the conditions for Objective 2 pursuant to Article 4(1) of Regulation (EC) No 1260/1999 and the regions of that province qualifying for transitional support under Objective 5(b) pursuant to Article 6(2) of Regulation (EC) No 1260/1999. The draft contains the information listed in Article 16 of the Regulation, and in particular a description of the priorities selected and an indication of the financial

contribution from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) for implementing the plan.

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

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

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

Article 2

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

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

1. support for the development of tourism;
2. strengthening the economic fabric;
3. cross-sector sustainable development and the qualitative improvement of the area as a place for living and working;
4. training and the labour market;
5. technical assistance;

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

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

(d) the provisions for implementing the single programming document including designation of the managing authority, a description of the arrangements for managing the single programming document and the use to be made of global

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

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

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 117 364 043 for the whole period and the financial contribution from the Structural Funds at EUR 33 052 000.

The resulting requirement for national resources of EUR 70 592 608 from the public sector and EUR 13 719 435 from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments.

Article 3

1. The total assistance from the Structural Funds granted under the single programming document amounts to EUR 33 052 000. The procedure for granting the financial assistance, including the financial contribution from the Funds for the various priorities included in the single programming document, is set out in the financing plan annexed to this Decision.

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

ERDF	EUR 30 533 000
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ESF	EUR 2 519 000
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3. During implementation of the financing plan, the total cost or Community financing of a given priority may be adjusted in agreement with the Member State by up to 25 % of the total Community contribution to the single programming document throughout the programme period, up to a maximum of EUR 30 million, without altering the total Community contribution referred to in paragraph 1.

Article 4

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

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

Community financing of State aid falling within Article 87(1) of the Treaty, granted under aid schemes or in individual cases, requires prior approval by the Commission under Article 88 of the Treaty, except where the aid falls under the *de minimis* rule or is exempted under an exemption regulation adopted by the Commission under Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 87 and 88 to certain categories of horizontal State aid ⁽²⁾. In the absence of such exemption or approval, aid is illegal and subject to the consequences set out in the procedural regulation for State aid, and its part-financing would be treated as an irregularity within the meaning of Articles 38(5) of Regulation (EC) No 1260/1999.

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

under aid schemes or in individual cases, until such aid has been notified to and formally approved by the Commission.

Article 5

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

Article 6

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 31. May 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 8 June 2001

**approving the single programming document for Community structural assistance under
Objective 2 in the regions of the province of East Flanders in Belgium**

*(notified under document number C(2002) 1250)***(Only the Dutch text is authentic)**

(2002/326/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Articles 13 and following of Title II of Regulation (EC) No 1260/1999 lay down the procedure for preparing and implementing single programming documents.
- (2) Article 15(1) and (2) of Regulation (EC) No 1260/1999 provides that, after consultation with the partners referred to in Article 8 of the Regulation, the Member State may submit to the Commission a development plan which is treated as a draft single programming document, and which contains the information referred to in Article 16 of the Regulation.
- (3) Under Article 15(5) of Regulation (EC) No 1260/1999, on the basis of the regional development plan submitted by the Member State and within the partnership established in accordance with Article 8 of that Regulation, the Commission is to take a decision on the single programming document, in agreement with the Member State concerned and in accordance with the procedures laid down in Articles 48 to 51.
- (4) The Flemish Government submitted to the Commission on 31 May 2000 an acceptable draft Single Programming Document for the regions in the province of East Flanders fulfilling the conditions for Objective 2 pursuant to Article 4(1) of Regulation (EC) No 1260/1999 and the regions in that province qualifying for transitional support under Objective 5(b) pursuant to Article 6(2) of Regulation (EC) No 1260/1999. The

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

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

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

The single programming document for Community structural assistance in the regions of the province of East Flanders in Belgium fulfilling the conditions for Objective 2 and in the regions in that province qualifying for transitional support under Objective 5(b) for the period 1 January 2000 to 31 December 2006 is hereby approved.

Article 2

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

- (a) the strategy and priorities for the joint action of the Structural Funds and the Member State; their specific quantified targets; the *ex ante* evaluation of the expected impact, including on the environmental situation, and the consistency of the priorities with the economic, social and regional policies and the employment strategy of Flanders (Belgium). The priorities are as follows:
 - 1. developing economic initiatives and promoting employment;
 - 2. improving living conditions and quality of life in urban and rural areas;
 - 3. promoting the development of tourism in the transitional region;
 - 4. Technical assistance;
- (b) a summary description of the measures planned to implement the priorities, including the information needed to check compliance with the State aid rules under Article 87 of the Treaty;
- (c) the indicative financing plan specifying for each priority and each year the financial allocation envisaged for the contribution from the ERDF — including, for information, the total amount from the EAGGF Guarantee Section, and indicating separately the funding planned for the regions receiving transitional support in respect of Objective 5(b) and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the ERDF planned for each year for the single programming Document is consistent with the relevant financial perspective;
- (d) the provisions for implementing the single programming document including designation of the managing authority, a description of the arrangements for managing the single programming document and the use to be made of global grants, a description of the systems for monitoring and evaluation, including the role of the Monitoring Committee and the arrangements for the participation of the partners in that Committee;

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

(f) information on the resources required for preparing, monitoring and evaluating the single programming document.

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 59 109 164 for the whole period and the financial contribution from the ERDF at EUR 13 586 000.

The resulting requirement for national resources of EUR 31 982 841 from the public sector and EUR 13 540 323 from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments.

Article 3

1. The total assistance from the ERDF granted under the single programming document amounts to EUR 13 586 000. The procedure for granting the financial assistance, including the financial contribution from the ERDF for the various priorities included in the single programming document, is set out in the financing plan annexed to this Decision.

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

Article 4

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

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

and 93 of the Treaty to certain categories of horizontal State aid ⁽²⁾. In the absence of such exemption or approval, aid is illegal and subject to the consequences set out in the procedural regulation for State aid, and its part-financing would be treated as an irregularity within the meaning of Articles 38(5) of Regulation (EC) No 1260/1999. Consequently, the Commission will not accept requests for interim and final payments under Article 32 of the Regulation for measures being part-financed with new or altered aid, as defined in the procedural regulation for State aid, granted under aid schemes or in individual cases, until such aid has been notified to and formally approved by the Commission.

Consequently, the Commission will not accept requests for interim and final payments under Article 32 of Regulation (EC) No 1260/1999 for measures being part-financed with new or altered aid, as defined in the procedural regulation for State aid, granted under aid schemes or in individual cases, until such aid has been notified to and formally approved by the Commission.

Article 5

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

Article 6

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 8 June 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION

of 4 July 2001

approving the single programming document for Community structural assistance under Objective 2 in the region of Brussels Capital in Belgium*(notified under document number C(2002) 1356)***(Only the French and Dutch texts are authentic)**

(2002/327/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Articles 13 and following of Title II of Regulation (EC) No 1260/1999 lay down the procedure for preparing and implementing single programming documents.
- (2) Article 15(1) and (2) of Regulation (EC) No 1260/1999 provides that, after consultation with the partners referred to in Article 8 of the Regulation, the Member State may submit to the Commission a development plan which is treated as a draft single programming document, and which contains the information referred to in Article 16 of the Regulation
- (3) Under Article 15(5) of Regulation (EC) No 1260/1999, on the basis of the regional development plan submitted by the Member State and within the partnership established in accordance with Article 8 of that Regulation, the Commission is to take a decision on the single programming document, in agreement with the Member State concerned and in accordance with the procedures laid down in Articles 48 to 51.
- (4) The Government of the Brussels Capital Region submitted to the Commission on 17 May 2000 an acceptable draft single programming document for the areas fulfilling the conditions for Objective 2 pursuant to Article 4(1) of Regulation (EC) No 1260/1999. The draft contains the information listed in Article 16 of the Regulation, and in particular a description of the priorities selected and an indication of the financial contribution from the European Regional Development Fund (ERDF).
- (5) The date of submission of the draft which was considered acceptable by the Commission constitutes the date from which expenditure under the plan is eligible. Under Article 30 of the Regulation, it is necessary to lay down the final date for the eligibility of expenditure.
- (6) The single programming document has been drawn up in agreement with the Member State concerned and within the partnership.
- (7) The Commission has satisfied itself that the single programming document is in accordance with the principle of additionality.
- (8) Under Article 10 of Regulation (EC) No 1260/1999, the Commission and the Member State are required to ensure, in a manner consistent with the principle of partnership, coordination between assistance from the Funds and from the EIB and other existing financial instruments.
- (9) The financial contribution from the Community available over the entire period and its year-by-year breakdown are expressed in euro. The annual breakdown should be consistent with the relevant financial perspective. Under Article 7(7) of Regulation (EC) No 1260/1999, the Community contribution has already been indexed at a rate of 2 % per year. Under Article 7(7) and Article 44(2) of the Regulation, the Community contribution may be reviewed at mid-term, and not later than 31 March 2004, to take account of the effective level of inflation and the allocation of the performance reserve.
- (10) Provision should be made for adapting the financial allocations of the priorities of this single programming document within certain limits to actual requirements reflected by the pattern of implementation on the ground, in agreement with the Member State concerned,

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

The single programming document for Community structural assistance in the areas of the Brussels Capital region of Belgium fulfilling the conditions for Objective 2 for the period 1 January 2000 to 31 December 2006 is hereby approved.

Article 2

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

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

1. economic regeneration;
2. a framework for sustainable urban development;
3. technical assistance;

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

(c) the indicative financing plan specifying for each priority and each year the financial allocation envisaged for the contribution from the ERDF and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the ERDF planned for each year for the single programming document is consistent with the relevant financial perspective;

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

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

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

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 106 071 720 for the whole period and the financial contribution from the ERDF at EUR 43 930 000

The resulting requirement for national resources of EUR 57 496 000 from the public sector and EUR 4 645 720 from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments.

Article 3

1. The assistance from the ERDF granted under the single programming document amounts to EUR 43 930 000. The procedure for granting the financial assistance, including the financial contribution from the ERDF for the various priorities included in the single programming document, is set out in the financing plan annexed to this Decision.

2. The total Community assistance available is the EUR 43 930 000 from the ERDF.

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

Article 4

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

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

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

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

Article 5

The date from which expenditure shall be eligible is 17 May 2000. The closing date for the eligibility of expenditure shall

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

Article 6

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 4 July 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽²⁾ OJ L 142, 14.5.1998, p. 1.

COMMISSION DECISION**of 27 November 2001****amending Decision of 15 May 2000 on the approval of the single programming document for
Community structural assistance provided under Objective 1 in Hainaut in Belgium***(notified under document C(2001) 2804)***(Only the French and Dutch texts are authentic)****(2002/328/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds ⁽¹⁾, and in particular Article 34(3) thereof,

Article 3 of Decision 2002/320/EC is amended as follows:

Whereas:

(1) By Decision 2002/320/EC ⁽²⁾, the Commission approved the single programming document for Community structural assistance under Objective 1 in Hainaut in Belgium.

1. The financial tables in Annex 1 are replaced by the financial tables in Annex 1 to this Decision.
2. The indicative planned breakdown among the Structural Funds of the total Community contribution is as follows:

ERDF	EUR 409 789 200
ESF	EUR 191 903 797
EAGGF, Guidance Section	EUR 41 571 749
FIFG	EUR 1 735 254

(2) On 2 March 2001, the Monitoring Committee for this single programming document considered and approved by written procedure amendments to that document and to its financing plan. The Commission was informed of the approval of those amendments by letter dated 10 July 2001.

Article 2

This Decision is addressed to the Kingdom of Belgium.

(3) Belgium gave its agreement to the amendments by letter dated 27 September 2001.

Done at Brussels, 27 November 2001.

(4) Decision 2002/320/EC should therefore be amended accordingly,

For the Commission

Michel BARNIER

Member of the Commission

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

⁽²⁾ See page 1 of this Official Journal.

COMMISSION DECISION

of 7 December 2001

approving the single programming document for Community structural assistance under Objective 2 in the provinces of Namur and Luxembourg in Belgium*(notified under document number C(2001) 3555)***(Only the French and Dutch texts are authentic)**

(2002/329/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Articles 13 and following of Title II of Regulation (EC) No 1260/1999 lay down the procedure for preparing and implementing single programming documents.
- (2) Article 15(1) and (2) of Regulation (EC) No 1260/1999 provides that, after consultation with the partners referred to in Article 8 of the Regulation, the Member State may submit to the Commission a development plan which is treated as a draft single programming document, and which contains the information referred to in Article 16 of the Regulation
- (3) Under Article 15(5) of Regulation (EC) No 1260/1999, on the basis of the regional development plan submitted by the Member State and within the partnership established in accordance with Article 8 of that Regulation, the Commission is to take a decision on the single programming document, in agreement with the Member State concerned and in accordance with the procedures laid down in Articles 48 to 51.
- (4) The Walloon Government submitted to the Commission on 11 July 2000 an acceptable draft single programming document for the areas of the province of Namur fulfilling the conditions for Objective 2 pursuant to Article 4(1) and the areas of the province of Luxembourg qualifying for transitional support under Objective 2 pursuant to Article 6(2) of Regulation (EC) No 1260/1999. The draft contains the information listed in Article 16 of the Regulation, and in particular a

description of the priorities selected and an indication of the financial contribution from the European Regional Development Fund (ERDF) and the European Social Fund (ESF).

- (5) Under Article 8 of Regulation (EC) No 1260/1999, the operations being financed by the Structural Funds must comply, *inter alia*, with the Community policies and actions, including those concerning the protection and improvement of the environment. The Kingdom of Belgium has not complied with its obligations under Article 4 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora as regards proposing a list of sites indicating which natural habitat types in Annex I and which species in Annex II that are native to its territory the sites host in order to set up a coherent European ecological network of special areas of conservation, known as 'Natura 2000'. It was reminded of this obligation on 23 June 1999 by a letter from Mrs Wulf-Mathies and Ms Bjerregaard and on 28 March 2000 by a letter from Mr Barnier. As a result, payments for ERDF assistance under the measures 'Valorisation of touristic and cultural potential and of the natural heritage' and 'Equipment to encourage access to NICT and make the most of opportunities of the euro corridor' concerning this SPD, which are likely to be harmful to any sites to be protected, should be suspended until the list of 'Natura 2000' sites has been notified to the Commission ⁽²⁾.
- (6) The date of submission of the draft which was considered acceptable by the Commission constitutes the date from which expenditure under the plan is eligible. Under Article 30 of the Regulation, it is necessary to lay down the final date for the eligibility of expenditure.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

⁽²⁾ OJ L 206, 22.7.1992, p. 7.

- (7) The single programming document has been drawn up in agreement with the Member State concerned and within the partnership. regional policies and the employment strategy of Belgium. The priorities are as follows:
- (8) The Commission has satisfied itself that the single programming document is in accordance with the principle of additionality.
- (9) Under Article 10 of Regulation (EC) No 1260/1999, the Commission and the Member State are required to ensure, in a manner consistent with the principle of partnership, coordination between assistance from the Funds and from the EIB and other existing financial instruments.
- (10) The financial contribution from the Community available over the entire period and its year-by-year breakdown are expressed in euro. The annual breakdown should be consistent with the relevant financial perspective. Under Article 7(7) of Regulation (EC) No 1260/1999, the Community contribution has already been indexed at a rate of 2 % per year. Under Article 7(7) and Article 44(2) of the Regulation, the Community contribution may be reviewed at mid-term, and not later than 31 March 2004, to take account of the effective level of inflation and the allocation of the performance reserve.
- (11) Provision should be made for adapting the financial allocations of the priorities of this single programming document within certain limits to actual requirements reflected by the pattern of implementation on the ground, in agreement with the Member State concerned,
1. encouraging and supporting the local development of merchant economic activities;
 2. structuring rural areas;
 3. investing in human resources;
 4. technical assistance;
- (b) a summary description of the measures planned to implement the priorities, including the information needed to check compliance with the State aid rules under Article 87 of the Treaty;
- (c) the indicative financing plan specifying for each priority and each year the financial allocation envisaged for the contribution from each Fund and indicating separately the funding planned for the regions receiving transitional support in respect of Objective 2 and the total amounts of eligible public or equivalent expenditure and estimated private funding in the Member State. The total contribution from the Funds planned for each year for the single programming document is consistent with the relevant financial perspective;
- (d) the provisions for implementing the single programming document including designation of the managing authority, a description of the arrangements for managing the single programming document and the use to be made of global grants, a description of the systems for monitoring and evaluation, including the role of the Monitoring Committee and the arrangements for the participation of the partners in that Committee;
- (e) the *ex ante* verification of compliance with additionality and information on the transparency of financial flows;
- (f) information on the resources required for preparing, monitoring and evaluating the assistance.

HAS ADOPTED THIS DECISION:

Article 1

The single programming document for Community structural assistance in the areas of the province of Namur eligible under Objective 2 and in the area of the province of Luxembourg qualifying for transitional support under Objective 2 in Belgium for the period 1 January 2000 to 31 December 2006 is hereby approved.

Article 2

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

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

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 206 239 924 for the whole period and the financial contribution from the Structural Funds at EUR 58 378 745.

The resulting requirement for national resources of EUR 87 042 672 from the public sector and EUR 60 818 507 from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments.

Article 3

1. The total assistance from the Structural Funds granted under the single programming document amounts to EUR 58 378 745. The procedure for granting the financial assistance, including the financial contribution from the Funds for the various priorities included in the single programming document, is set out in the financing plan annexed to this Decision.

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

ERDF EUR 52 998 745

ESF EUR 5 380 000

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

Article 4

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

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

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

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

By way of derogation from the preceding paragraphs, Articles 51 and 52 of Council Regulation (EC) No 1257/1999 ⁽⁴⁾ shall apply in the context of rural development part-financed by the EAGGF.

Article 5

Expenditure relating to the measures 'Valorisation of touristic and cultural potential and of the natural heritage' and 'Equipment to encourage access to NICT and make the most of opportunities of the euro corridor' in this SPD will not be settled until the Kingdom of Belgium has notified the complete and final list of sites to be protected in Wallonia, pursuant to Council Directive 92/43/EEC.

Article 6

The date from which expenditure shall be eligible is 11 July 2000. The closing date for the eligibility of expenditure shall be 31 December 2008. This date is extended to 30 April 2009 for expenditure incurred by bodies granting assistance under Article 9(l) of Regulation (EC) No 1260/1999.

Article 7

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 7 December 2001.

For the Commission

Michel BARNIER

Member of the Commission

⁽³⁾ OJ L 142, 14.5.1998, p. 1.

⁽⁴⁾ OJ L 160, 26.6.1999, p. 80.

COMMISSION DECISION

of 11 December 2001

approving the single programming document for Community structural assistance under Objective 2 in the province of Liège in Belgium

(notified under document number C(2001) 3583)

(Only the French and Dutch text are authentic)

(2002/330/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Articles 13 and following of Title II of Regulation (EC) No 1260/1999 lay down the procedure for preparing and implementing single programming documents.
- (2) Article 15(1) and (2) of Regulation (EC) No 1260/1999 provides that, after consultation with the partners referred to in Article 8 of the Regulation, the Member State may submit to the Commission a development plan which is treated as a draft single programming document, and which contains the information referred to in Article 16 of the Regulation.
- (3) Under Article 15(5) of Regulation (EC) No 1260/1999, on the basis of the regional development plan submitted by the Member State and within the partnership established in accordance with Article 8 of that Regulation, the Commission is to take a decision on the single programming document, in agreement with the Member State concerned and in accordance with the procedures laid down in Articles 48 to 51.
- (4) The Walloon Government submitted to the Commission on 11 July 2000 an acceptable draft single programming document for the areas of the province of Liège eligible under Objective 2 pursuant to Article 4(1) and the areas of that province qualifying for transitional support under Objective 2 pursuant to Article 6(2) of Regulation (EC) No 1260/1999. The draft contains the information listed in Article 16 of the Regulation, and

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

- (5) Under Article 8 of Regulation (EC) No 1260/1999, the operations being financed by the Structural Funds must comply, *inter alia*, with the Community policies and actions, including those concerning the protection and improvement of the environment. The Kingdom of Belgium has not complied with its obligations under Article 4 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ⁽²⁾ as regards proposing a list of sites indicating which natural habitat types in Annex I and which species in Annex II that are native to its territory the sites host in order to set up a coherent European ecological network of special areas of conservation, known as 'Natura 2000'. It was reminded of this obligation on 23 June 1999 by a letter from Mrs Wulf-Mathies and Ms Bjerregaard and on 28 March 2000 by a letter from Mr Barnier. As a result, payments for ERDF assistance under the measures 'Specialised economic platforms' and 'Valorisation of touristic and cultural potential and of the natural heritage' concerning this SPD, which are likely to be harmful to any sites to be protected, should be suspended until the list of 'Natura 2000' sites has been notified to the Commission.
- (6) The date of submission of the draft which was considered acceptable by the Commission constitutes the date from which expenditure under the plan is eligible. Under Article 30 of the Regulation, it is necessary to lay down the final date for the eligibility of expenditure.
- (7) The single programming document has been drawn up in agreement with the Member State concerned and within the partnership.

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

⁽²⁾ OJ L 206, 22.7.1992, p. 7.

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

HAS ADOPTED THIS DECISION:

Article 1

The single programming document for Community structural assistance in the areas of the province of Liège eligible under Objective 2 and the areas of that province qualifying for transitional support under Objective 2 in Belgium for the period 1 January 2000 to 31 December 2006 is hereby approved.

Article 2

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

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

1. diversification of the economic base;
2. entry into the knowledge society;

3. increased know-how;
4. consolidation of the area's international role;
5. promotion of sustainable urban development;
6. technical assistance;

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

2. The indicative financing plan puts the total cost of the priorities selected for the joint action by the Community and the Member State at EUR 561 969 961 for the whole period and the financial contribution from the Structural Funds at EUR 158 320 255.

The resulting requirement for national resources of EUR 204 440 847 from the public sector and EUR 199 208 859 from the private sector can be partly met by Community loans from the European Investment Bank and other lending instruments.

Article 3

1. The total assistance from the Structural Funds granted under the single programming document amounts to EUR 158 320 255. The procedure for granting the financial assistance, including the financial contribution from the Funds for the various priorities included in the single programming document, is set out in the financing plan annexed to this Decision.

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

ERDF EUR 132 743 255

ESF EUR 25 577 000

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

Article 4

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

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

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

By way of derogation from the preceding paragraphs, Articles 51 and 52 of Regulation (EC) No 1257/1999 ⁽⁴⁾ shall apply in the context of rural development part-financed by the EAGGF.

Article 5

Expenditure relating to the measures 'Specialised economic platforms' and 'Valorisation of touristic and cultural potential and of the natural heritage' in this SPD will not be settled until the Kingdom of Belgium has notified the complete and final list of sites to be protected in Wallonia, pursuant to Council Directive 92/43/EC.

Article 6

The date from which expenditure shall be eligible is 11 July 2000. The closing date for the eligibility of expenditure shall be 31 December 2008. This date is extended to 30 April 2009 for expenditure incurred by bodies granting assistance under Article 9(l) of Regulation (EC) No 1260/1999.

Article 7

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 11 December 2001

For the Commission

Michel BARNIER

Member of the Commission

⁽³⁾ OJ L 142, 14.5.1998, p. 1.

⁽⁴⁾ OJ L 160, 26.6.1999, p. 80.