COMMISSION DECISION

of 23 April 1997

modifying the decisions approving the Community support frameworks, the single programming documents and the Community initiative programmes in respect of Germany

(Only the German text is authentic)

(97/321/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments [1], as last amended by Regulation (EC) No 3193/94 [2], and in particular the fourth subparagraph of Article 8 (5), the third subparagraph of Article 9 (9), the third subparagraph of Article 10 (3.3), Article 11 and the third subparagraph of Article 11 (a) (6) thereof,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988, laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments [3], as last amended by Regulation (EC) No 3193/94, and in particular Article 8 (3), the last subparagraph of Article 10 (1), Article 11 and Article 14 (3) thereof,

Whereas Article 1 of Council Regulation (EEC) No 4254/88 of 19 December 1988, laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund [4], as amended by Regulation (EEC) No 2083/93 [5], specifies the type of operations the ERDF may help finance;

Whereas Council Regulation (EEC) No 4255/88 of 19 December 1988, laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund [6], as amended by Regulation (EEC) No 2084/93 [7], specifies in Article 1 the type of operations which may receive ESF financing and in Article 2 eligible expenditure;

Whereas Article 1 of Council Regulation (EEC) No 4256/88 of 19 December 1988, laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the EAGGF Guidance Section [8], as amended by Regulation (EEC) No 2085/93 [9], specifies the type of measures which the EAGGF Guidance Section may help finance;

Whereas Council Regulation (EEC) No 2080/93 of 20 July 1993, laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the Financial Instrument for Fisheries Guidance [10], specifies in Article 1 the type of measures which may receive FIFG financing as well as in Article 5 and in Regulation (EC) No 3699/93 of 21 December 1993 specifying the criteria and conditions of forms of assistance for structural purposes in the fisheries and aquaculture sectors as well as the processing and marketing of their products [11], as last amended by Council Regulation (EC) No 25/97 [12], the criteria and conditions of forms of assistance;

Whereas the Council (Economic and Financial Affairs) of 11 March 1996, in its discussions on the discharge to be given in respect of the 1994 budget, called for all sources of uncertainty regarding the eligibility of expenditure to be eliminated so as to guarantee that the best possible use be made of Community resources, in accordance with the

(1) OJ No L 185, 15. 7. 1988, p. 9.
(2) OJ No L 337, 24. 12. 1994, p. 11.
(3) OJ No L 374, 31. 12. 1988, p. 1.
(4) OJ No L 374, 31. 12. 1988, p. 15.
(5) OJ No L 193, 31. 7. 1993, p. 34.
(6) OJ No L 374, 31. 12. 1988, p. 21.
(7) OJ No L 193, 31. 7. 1993, p. 39.
(8) OJ No L 374, 31. 12. 1988, p. 25.
(9) OJ No L 193, 31. 7. 1993, p. 44.
(10) OJ No L 193, 31. 7. 1993, p. 1.
(11) OJ No L 346, 31. 12. 1993, p. 1.
(12) OJ No L 6, 10. 1. 1997, p. 7.

regulations in force [1]; whereas in order to clarify the situation as regards the eligibility of expenditure, for the Member States as well as for the beneficiaries, it is appropriate to incorporate the Annex attached, drawn up in partnership with the Member States, in the different decisions approving Community support frameworks, the single programming documents, and the Community initiative programmes currently in operation;

Whereas in order to respect the principle of legitimate expectation only the provisions of this Annex which impose no new charge or condition on Member States or on beneficiaries can be applied in respect of projects already selected;

Whereas the Commission will apply this decision fully respecting the institutional, legal and financial characteristics and competence of the Member States in the context of partnership;

Whereas this Decision is in accordance with the opinion of the Management Committee for Agricultural Structures and Rural Development and the Standing Committee on Fisheries Structures;

After consultation of the Advisory Committee on the Development and Conversion of Regions and the Committee pursuant to Article 124 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Annex to the present Decision [2] comprises an integral part of the decisions approving Community support frameworks, single programming documents, and Community initiative programmes.

2. To the extent that the provisions of the Annex impose new or complementary charges or conditions on Member States or beneficiaries, they shall apply only to investments, operations, measures and projects comprising part of the forms of assistance mentioned in the first paragraph and selected after 1 May 1997.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 23 April 1997.

For the Commission

Anita GRADIN

Member of the Commission

[1] Recommendation of the Council of 11 March 1996 on the discharge of 1994, point 3, Chapter 4 (ERDF).

[2] See page 31 of this Official Journal.