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(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COMMISSION REGULATION (EC) No 846/2009

of 1 September 2009

amending Regulation (EC) No 1828/2006 setting out rules for the implementation of Council Regulation (EC) No 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and of Regulation (EC) No 1080/2006 of the European Parliament and of the Council on the European Regional Development Fund

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 ⁽¹⁾, and in particular the third paragraph of Article 44, and Article 59(6), Article 66(3), Article 69(1), Article 70(3), Article 72(2), Article 74(2) and Article 76(4) thereof,

Having regard to Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund and repealing Regulation (EC) No 1783/1999 ⁽²⁾, and in particular the second subparagraph of Article 7(2) and the second paragraph of Article 13 thereof,

Whereas:

- (1) The experience acquired since the start of the 2007-2013 programming period has shown the necessity to simplify and clarify certain provisions concerning the implementation of the Structural Funds and Cohesion Fund interventions.
- (2) In the light of recent amendments to Regulation (EC) No 1083/2006 and Regulation (EC) No 1080/2006 concerning certain provisions of the financial management of operational programmes and the eligibility of energy efficiency and renewable energy investments in housing,

respectively, it is necessary to align certain provisions of Commission Regulation (EC) No 1828/2006 ⁽³⁾ with those Regulations.

- (3) Several inconsistencies have been identified in the provisions of Regulation (EC) No 1828/2006 during its application. For reasons of legal certainty, it is appropriate to eliminate those inconsistencies.
- (4) Since some information and publicity requirements were difficult to apply to certain types of operations in practice and thus represented a disproportionate administrative burden to the beneficiaries, it is appropriate to provide for more flexibility. For reasons of legal certainty, more flexible requirements should also apply to operations and activities that have already been selected for co-financing from the date of entry into force of Regulation (EC) No 1828/2006.
- (5) It is necessary to clarify that in the case of the European Territorial Co-operation Objective, certain responsibilities of the managing authority related to the regularity of operations and expenditure in relation to national and Community rules also apply to controllers designated in accordance with Article 16 of Regulation (EC) No 1080/2006.
- (6) It is necessary to clarify that the annual control report and opinion as well as the closure declaration and final control report have to cover the whole of the programme and all programme expenditure eligible for a contribution from the European Regional Development Fund in the European territorial co-operation objective.

⁽¹⁾ OJ L 210, 31.7.2006, p. 25.

⁽²⁾ OJ L 210, 31.7.2006, p. 1.

⁽³⁾ OJ L 371, 27.12.2006, p. 1.

- (7) In the light of the experience gained by the Commission and by the Member States with regard to the application of Commission Regulation (EC) No 1681/94 of 11 July 1994 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the structural policies and the organisation of an information system in this field ⁽¹⁾, the procedures for reporting on follow-up to irregularities should be simplified. Furthermore, in order to reduce the administrative burden imposed on Member States it is necessary to determine more precisely which information the Commission requires. To that end, information on irrecoverable amounts and on the aggregated amounts related to reported irregularities should be included in the annual statement to be submitted to the Commission pursuant to Article 20 of Regulation (EC) No 1828/2006.
- (8) The procedures for reporting on irrecoverable amounts should accurately reflect the obligations of Member States laid down in Article 70 of Regulation (EC) No 1083/2006 and in particular the obligation to ensure an effective pursuit of recoveries. It is also appropriate to simplify the procedures whereby the Commission monitors compliance with those obligations in order to render them more efficient and cost-effective.
- (9) In line with Article 61 of Regulation (EC) No 1083/2006, it should be clearly stated that the certifying authority is responsible for keeping complete accounting records, including, in particular, references to amounts reported as irregular to the Commission in accordance with Article 28 of Regulation (EC) No 1828/2006.
- (10) In order to ensure an efficient flow of information concerning irregularities and to avoid overlaps of different contact points, it is appropriate to group the provisions on cooperation with Member States in a single Article.
- (11) It is necessary to facilitate the implementation of financial engineering instruments with assistance from the Funds by simplifying and rendering the interaction between the financial engineering instruments and the managing authorities more flexible. Furthermore, in order to mitigate the difficulties entailed by the remoteness of the outermost regions, it is appropriate to increase the threshold for management costs for financial engineering instruments operating in those regions.
- (12) It is also appropriate to clarify that those enterprises and projects targeted at urban areas supported by the financial engineering instruments are not precluded from receiving a grant from an operational programme.
- (13) In order to facilitate the interventions in the housing sector under Article 7(2) of Regulation (EC) No 1080/2006, more flexibility should be provided as regards the criteria for selection of areas and the eligibility of those interventions.
- (14) It is appropriate to clarify the rules for eligibility of costs paid by public authorities which do not form part of the technical assistance where the public authority is itself a beneficiary in the operational programmes under the European territorial co-operation objective.
- (15) Since Article 7(4)(i) of Regulation (EC) No 1080/2006 lays down rules for the calculation of indirect costs the application of parallel rules laid down in Article 52 of Regulation (EC) No 1828/2006 should be avoided. However, in order to safeguard legitimate expectations, it is appropriate to maintain the possibility for Member States to apply those rules to operations under the European territorial co-operation objective programmes that were selected before the entry into force of this Regulation.
- (16) It is necessary to simplify and align the information in the list of data on operations for the purpose of documentary and on-the-spot checks with other provisions of Regulation (EC) No 1828/2006 as well as with Article 7 of Regulation (EC) No 1080/2006.
- (17) It is appropriate to provide for more flexibility for random statistical sampling in case of operations covering small size population.
- (18) Pursuant to Article 78(4) of Regulation (EC) No 1083/2006, it is possible to include expenditure for a major project in the statement of expenditure before the adoption of the Commission decision on the major project. It is therefore appropriate to delete the reference to 'declaration of expenditure' concerning major projects in the certificate of expenditure accompanying the interim payments pursuant to Article 78 of that Regulation.
- (19) In order to reduce the administrative burden for the Member States, it is appropriate to delete the requirement to report on the annual breakdown of the total certified eligible expenditure from the statement of expenditure for interim payment and payment of the balance, which has only a limited relevance.
- (20) It is necessary to align the information required in the statement of expenditure for partial closure with the information required in the statement of expenditure for interim payment and payment of the balance.
- (21) In order to improve reporting mechanisms, it is necessary to clarify requirements for the annual and final reports. In particular, it is appropriate to clarify the use of indicators and the requirements as regards the information on the use of the Funds, and to specify the information required for major projects and for information and publicity measures.
- (22) Experience has also shown that it is necessary to clarify the content and reduce the range of information requested in the context of major project applications.

⁽¹⁾ OJ L 178, 12.7.1994, p. 43.

- (23) Regulation (EC) No 1828/2006 should therefore be amended accordingly.
- (24) The measures provided for in this Regulation are in accordance with the opinion of the Coordination Committee of the Funds,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1828/2006 is amended as follows:

- (1) In Article 8, paragraph 2 is amended as follows:

- (a) in the second subparagraph, the second sentence is replaced by the following:

‘The information referred to in Article 9 shall take up at least 25 % of the plaque.’

- (b) the following subparagraph is added:

‘Where it is not possible to place a permanent explanatory plaque on a physical object as referred to in point (b) of the first subparagraph, other appropriate measures shall be taken in order to publicise the Community contribution.’

- (2) Article 9 is amended as follows:

- (a) in the first paragraph, the introductory sentence is replaced by the following:

‘All information and publicity measures provided by managing authorities or beneficiaries and aimed at beneficiaries, potential beneficiaries and the public shall include the following:’

- (b) the following paragraph is added:

‘Where an information or publicity measure promotes several operations co-financed by more than one Fund, the reference provided for in point (b) of the first paragraph shall not be required.’

- (3) Article 13 is amended as follows:

- (a) the title is replaced by the following:

‘Managing authority and controllers’

- (b) in paragraph 2, the first subparagraph is replaced by the following:

‘The verifications to be carried out by the managing authority pursuant to Article 60(b) of Regulation (EC) No 1083/2006, or by the relevant controllers designated by Member States in the case of the European territorial cooperation objective programmes pursuant to Article 16 of Regulation (EC) No 1080/2006, shall cover, as appropriate, administrative, financial, technical and physical aspects of operations.’

- (c) paragraphs 3 and 4 are replaced by the following:

‘3. Where on-the-spot verifications pursuant to point (b) of the third subparagraph of paragraph 2 are carried out on a sample basis for an operational programme, the managing authority, or the relevant controllers in the case of European territorial cooperation objective programmes, shall keep records describing and justifying the sampling method and identifying the operations or transactions selected for verification.

The managing authority, or the relevant controllers in the case of European territorial cooperation objective programmes, shall determine the size of the sample in order to achieve reasonable assurance as to the legality and regularity of the underlying transactions, having regard to the level of risk identified by the managing authority, or the relevant controllers as appropriate, for the type of beneficiaries and operations concerned. The managing authorities or the relevant controllers shall review the sampling method each year.

4. The managing authority, or the relevant controllers in the case of European territorial cooperation objective programmes, shall establish written standards and procedures for the verifications carried out pursuant to paragraph 2 and shall keep records for each verification, stating the work performed, the date and the results of the verification, and the measures taken in respect of irregularities detected.’

- (4) In Article 14, the following paragraph 3 is added:

‘3. In the accounting records maintained in accordance with Article 61(f) of Regulation (EC) No 1083/2006, any amount related to an irregularity reported to the Commission under Article 28 of this Regulation shall be identified by the reference number attributed to that irregularity or by any other adequate method.’

- (5) Article 18 is amended as follows:

- (a) in paragraph 2, the second subparagraph is replaced by the following:

‘For European territorial cooperation objective programmes, the annual control report and the opinion shall cover the whole of the programme and all programme expenditure eligible for a contribution from the ERDF.’

- (b) in paragraph 3, the second subparagraph is replaced by the following:

‘For European territorial cooperation objective programmes, the closure declaration and final control report shall cover the whole of the programme and all programme expenditure eligible for contribution from the ERDF.’

(6) Article 20 is amended as follows:

(a) paragraph 2 is amended as follows:

(i) the introductory sentence is replaced by the following:

'By 31 March 2010 and by 31 March of each year thereafter, the certifying authority shall send a statement to the Commission in the format set out in Annex XI, identifying for each priority axis of the operational programme:'

(ii) point (b) is replaced by the following:

'(b) the amounts recovered which have been deducted from statements of expenditure submitted during the preceding year;'

(iii) the following point (d) is added:

'(d) a list of amounts for which it was established during the preceding year that they cannot be recovered or which are not expected to be recovered, classified by the year in which the recovery orders were issued.'

(iv) the following subparagraphs are added:

'For the purposes of points (a), (b) and (c) of the first subparagraph, aggregate amounts related to irregularities reported to the Commission under Article 28 shall be provided for each priority axis.

For the purposes of point (d) of the first subparagraph, any amount related to an irregularity reported to the Commission under Article 28 shall be identified by the reference number of that irregularity or by any other adequate method.'

(b) the following paragraphs 2a and 2b are inserted:

'2a. For each amount referred to in point (d) of the first subparagraph of paragraph 2 the certifying authority shall indicate whether it requests the Community share to be borne by the general budget of the European Union.

If, within one year from the date of the submission of the statement, the Commission does not request information for the purposes of Article 70(2) of Regulation (EC) No 1083/2006, inform the Member State in writing about its intention to open an enquiry in respect of that amount or request that the Member State continue the recovery procedure, the Community share shall be borne by the general budget of the European Union.

The time limit of one year shall not apply in cases of suspected or established fraud.

2b. For the purposes of the statement provided for in paragraph 2, Member States which have not adopted the euro as their currency by the date when the statement is submitted shall convert amounts in national currency into euro using the exchange rate referred to in Article 81(3) of Regulation (EC) No 1083/2006. Where the amounts relate to expenditure registered in the accounts of the certifying authority during more than one month, the exchange rate in the month during which expenditure was last registered may be used.'

(7) Article 28 is amended as follows:

(a) in paragraph 1, second subparagraph, points (l) to (o) are replaced by the following:

'(l) the total eligible expenditure and the public contribution approved for the operation together with the corresponding amount of the Community contribution calculated by application of the co-financing rate of the priority axis;

(m) the expenditure and the public contribution certified to the Commission which are affected by the irregularity and the corresponding amount of the Community contribution at risk calculated by application of the co-financing rate of the priority axis;

(n) in case of a suspected fraud and where no payment of the public contribution has been made to the persons or other entities identified pursuant to point (k), the amounts which would have been unduly paid had the irregularity not been identified;

(o) the code of region or area where the operation has been located or carried out, by specifying the NUTS level or otherwise;'

(b) in paragraph 2, first subparagraph, points (b) and (c) are replaced by the following:

'(b) cases brought to the attention of the managing authority or certifying authority by the beneficiary voluntarily and before detection by either of them, whether before or after the inclusion of the expenditure concerned in a certified statement submitted to the Commission;

(c) cases which are detected and corrected by the managing authority or certifying authority before inclusion of the expenditure concerned in a statement of expenditure submitted to the Commission.'

(c) paragraph 3 is replaced by the following:

'3. Where some of the information referred to in paragraph 1, and in particular information concerning the practices employed in committing the irregularity and the manner in which it was discovered, is not available or needs to be rectified, Member States shall as far as possible supply the missing or correct information when forwarding subsequent quarterly reports of irregularities to the Commission.'

(8) Article 30 is replaced by the following:

‘Article 30

Follow-up reporting

1. In addition to the information referred to in Article 28(1), Member States shall provide the Commission within two months following the end of each quarter, with reference to any previous report made pursuant to that Article, with details concerning the initiation, conclusion or abandonment of any procedures for imposing administrative or criminal penalties related to the reported irregularities as well as of the outcome of such procedures.

With regard to irregularities for which penalties have been imposed, Member States shall also indicate the following:

- (a) whether the penalties are of an administrative or a criminal nature;
- (b) whether the penalties result from a breach of Community or national law;
- (c) the provisions in which the penalties are laid down;
- (d) whether fraud was established.

2. At the written request of the Commission, the Member State shall provide information in relation to a specific irregularity or group of irregularities.’

(9) Article 33 is amended as follows:

- (a) the title is replaced by the following:

‘Co-operation with Member States’

- (b) paragraph 2 is replaced by the following:

‘2. Without prejudice to the contacts referred to in paragraph 1, where the Commission considers that, due to the nature of the irregularity, identical or similar practices could occur in other Member States, it shall submit the matter to the advisory Committee for the Coordination of Fraud Prevention set up by Commission Decision 94/140/EC (*).

The Commission shall, each year, inform that Committee and the committees referred to in Articles 103 and 104 of Regulation (EC) No 1083/2006 of the order of magnitude of the Funds affected by the irregularities which have been discovered and of the various categories of irregularities, broken down by type and number.

(*) OJ L 61, 4.3.1994, p. 27.’

(10) Article 35 is deleted.

(11) Article 36 is amended as follows:

- (a) in paragraph 1, the second and third subparagraphs are deleted;
- (b) paragraph 2 is replaced by the following:

‘2. Member States which have not adopted the euro as their currency by the date when the report under Article 28(1) is submitted shall convert amounts in national currency into euro using the exchange rate referred to in Article 81(3) of Regulation (EC) No 1083/2006.

Where the amounts relate to expenditure registered in the accounts of the certifying authority during a period of more than one month, the exchange rate in the month during which expenditure was last registered may be used. Where the expenditure has not been registered in the accounts of the certifying authority, the most recent accounting exchange rate published electronically by the Commission shall be used.’

(12) Article 43 is amended as follows:

- (a) the title is replaced by the following:

‘General provisions’

- (b) paragraphs 2 and 3 are replaced by the following:

‘2. Financial engineering instruments, including holding funds, shall be independent legal entities governed by agreements between the co-financing partners or shareholders or as a separate block of finance within a financial institution.

Where the financial engineering instrument is within a financial institution, it shall be set up as a separate block of finance, subject to specific implementation rules within the financial institution, stipulating, in particular, that separate accounts are kept which distinguish the new resources invested in the financial engineering instrument, including those contributed by the operational programme, from those initially available in the institution.

The Commission may not become a co-financing partner or shareholder in financial engineering instruments.

3. When managing authorities or holding funds select financial engineering instruments, the financial engineering instruments shall submit a business plan or other appropriate document.

The terms and conditions for contributions from operational programmes to financial engineering instruments shall be set out in a funding agreement, to be concluded between the duly mandated representative of the financial engineering instrument and the Member State or the managing authority, or the holding fund where applicable.

The funding agreement shall include at least the following elements:

- (a) the investment strategy and planning;
- (b) provisions for monitoring of implementation;
- (c) an exit policy for the contribution from the operational programme out of the financial engineering instrument;
- (d) provisions for the winding-up of the financial engineering instrument, including the reutilisation of resources returned to the financial engineering instrument from investments or left over after all guarantees have been honoured that are attributable to the contribution from the operational programme.'

(c) paragraph 4 is amended as follows:

- (i) the introductory sentence is replaced by the following:

'Management costs may not exceed, on a yearly average, for the duration of the assistance any of the following thresholds, unless a higher percentage proves necessary following a competitive tender, in accordance with applicable rules.'

- (ii) the following subparagraph is added:

'The thresholds set out in the first subparagraph may be increased by 0,5 % for the outermost regions.'

(d) paragraphs 5, 6 and 7 are replaced by the following:

'5. Returns from equity, loans and other repayable investments, and from guarantees for repayable investments, less a *pro rata* share of the management costs and performance incentives, may be allocated preferentially to investors operating under the market economy investor principle. Such returns may be allocated up to the level of remuneration laid down in the by-laws of the financial engineering instruments, and they shall then be allocated proportionally among all co-financing partners or shareholders.

6. Enterprises, as well as public private partnerships and other projects included in an integrated plan for sustainable urban development, which are supported by financial engineering instruments, may also receive a grant or other assistance from an operational programme.

7. Managing authorities shall take precautions to minimise distortion of competition in the venture capital or lending markets and the private guarantee market.'

(13) Article 44 is amended as follows:

- (a) the title is replaced by the following:

'Holding funds'

- (b) paragraph 2 is replaced by the following:

'2. The funding agreement referred to in paragraph 1 shall, in particular, make provision for:

- (a) the terms and conditions for contributions from the operational programme to the holding fund;
- (b) calls for expression of interest addressed to financial engineering instruments in accordance with applicable rules;
- (c) the appraisal and selection of financial engineering instruments by the holding fund;
- (d) the setting up and monitoring of the investment policy or the targeted urban development plans and actions;
- (e) reporting by the holding fund to Member States or managing authorities;
- (f) monitoring of the implementation of investments;
- (g) audit requirements;
- (h) an exit policy for the holding fund out of the financial engineering instruments;
- (i) the provisions for the winding-up of the holding fund, including the reutilisation of resources returned from investments made or left over after all guarantees have been honoured which are attributable to the contribution from the operational programme.

In the case of financial engineering instruments supporting enterprises, the provisions on the setting up and monitoring of the investment policy referred to in point (d) of the first subparagraph shall comprise at least an indication of the targeted enterprises and the financial engineering products to be supported.'

- (c) Paragraph 3 is deleted.

(14) Article 46 is amended as follows:

- (a) the title is replaced by the following:

'Urban development funds'

- (b) paragraphs 1 and 2 are replaced by the following:

'1. Where Structural Funds finance urban development funds, those funds shall invest in public-private partnerships or other projects included in an integrated plan for sustainable urban development. Such public-private partnerships or other projects shall not include the creation and development of financial engineering instruments such as venture capital, loan and guarantee funds for enterprises.

2. For the purposes of paragraph 1, urban development funds shall invest by means of loans and guarantees, or equivalent instruments and by means of equity.'

(15) Article 47 is replaced by the following:

'Article 47

Interventions in the field of housing

1. In determining areas referred to in point (a) of the first subparagraph of Article 7(2) of Regulation (EC) No 1080/2006, Member States shall take into consideration at least one of the following criteria:

- (a) a high level of poverty and exclusion;
- (b) a high level of long-term unemployment;
- (c) precarious demographic trends;
- (d) a low level of education, significant skills deficiencies and high dropout rates from school;
- (e) a high level of criminality and delinquency;
- (f) a particularly rundown environment;
- (g) a low level of economic activity;
- (h) a high number of immigrants, ethnic and minority groups, or refugees;
- (i) a comparatively low level of housing value;
- (j) a low level of energy performance in buildings.

2. Only the following interventions shall be eligible pursuant to point (c) of the first subparagraph of Article 7(2) of Regulation (EC) No 1080/2006:

- (a) renovation of the common parts of multi-family residential buildings;
- (b) delivery of modern social housing of good quality through renovation and change of use of existing buildings owned by public authorities or non-profit operators.'

(16) In Article 50, paragraph 3 is replaced by the following:

'3. The costs referred to in point (b) of paragraph 1 shall be eligible if they do not arise from statutory responsibilities of the public authority or its day-to-day management, monitoring and control tasks and relate either to expenditure actually and directly paid for the co-financed operation or to in-kind contributions, as referred to in Article 51.'

(17) In Article 52, the following paragraph is added:

'The first and second paragraphs shall only apply to operations approved before 13 October 2009 and where the option available to Member States in Article 7(4)(i) of Regulation (EC) No 1080/2006 has not been exercised.'

(18) Annex I is amended in accordance with Annex I to this Regulation.

(19) Annex III is replaced by the text set out in Annex II to this Regulation.

(20) Annex IV is amended in accordance with Annex III to this Regulation.

(21) Annexes X and XI are replaced by the text set out in Annex IV to this Regulation.

(22) Annex XIV is replaced by the text set out in Annex V to this Regulation.

(23) Annex XVIII is replaced by the text set out in Annex VI to this Regulation.

(24) Annexes XX, XXI and XXII are replaced by the text set out in Annex VII to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Points (1) and (2) of Article 1 shall apply from 16 January 2007.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 1 September 2009.

For the Commission
Paweł SAMECKI
Member of the Commission

ANNEX I

In Annex I, under the heading 'Internet', the sentence is replaced by the following:

'PANTONE REFLEX BLUE corresponds in the web-palette colour RGB: 0/51/153 (hexadecimal: 003399) and PANTONE YELLOW corresponds in the web-palette colour RGB: 255/204/0 (hexadecimal: FFCC00).'

ANNEX II

‘ANNEX III

LIST OF DATA ON OPERATIONS TO BE COMMUNICATED ON REQUEST TO THE COMMISSION FOR THE PURPOSE OF DOCUMENTARY AND ON-THE-SPOT CHECKS PURSUANT TO ARTICLE 14

A. Data on operations (as per approval decision, as amended)

Field 1.	Operational programme CCI code
Field 2.	Number of priority
Field 3.	Name of fund
Field 4.	Code of region or area where operation is located/carried out (NUTS Level or other, if appropriate)
Field 5.	Certifying authority
Field 6.	Managing authority
Field 7.	Intermediate body that declares expenditure to certifying authority, if applicable
Field 8.	Unique code number of operation
Field 9.	Short description of operation
Field 10.	Starting date of operation
Field 11.	Completion date of operation
Field 12.	Body issuing approval decision
Field 13.	Approval date
Field 14.	Reference of beneficiary
Field 15.	Currency (if not euro)
Field 16.	
Field 17.	Total amount of eligible expenditure to be paid by beneficiaries
Field 18.	Corresponding public contribution
Field 19.	

B. Expenditure declared on operation

Field 20.	Internal reference number of last application for reimbursement from operation
Field 21.	Date on which last application for reimbursement from operation was entered into monitoring system
Field 22.	Total amount of eligible expenditure paid by beneficiaries and declared in last application for reimbursement from operation entered into monitoring system
Field 23.	Total amount of eligible expenditure paid by beneficiaries for which applications for reimbursement have been made
Field 24.	Location of detailed supporting documents for claim if not on premises of beneficiary
Field 25.	ERDF-related expenditure for operational programmes co-financed by ESF ⁽¹⁾
Field 26.	ESF-related expenditure for operational programmes co-financed by ERDF ⁽²⁾
Field 27.	Expenditure paid in areas adjacent to the eligible areas (cross border cooperation) ⁽³⁾
Field 28.	Expenditure paid by partners located outside the area (transnational cooperation) ⁽⁴⁾
Field 29.	Expenditure paid outside the Community (cross-border, transnational and interregional cooperation) ⁽⁵⁾

Field 30.	Expenditure paid for the purchase of land ⁽⁶⁾
Field 31.	Expenditure paid for housing ⁽⁷⁾
Field 32.	Expenditure paid for indirect costs/overheads declared on a flat rate basis, flat rate costs calculated by application of standard scale of unit costs and lump sums ⁽⁸⁾
Field 33.	Revenue deducted from the expenditure of the operation and included in the statement of expenditure and application for payment
Field 34.	Financial corrections deducted from the expenditure of the operation and included in the statement of expenditure and application for payment
Field 35.	Total amount of eligible expenditure declared from operation and corresponding public contribution included in statement of expenditure sent to the Commission by certifying authority (in EUR)
Field 36.	Total amount of eligible expenditure declared from operation and corresponding public contribution included in statement of expenditure sent to the Commission by certifying authority (national currency)
Field 37.	Date of last statement of expenditure of the certifying authority containing expenditure from operation
Field 38.	Date of verifications carried out pursuant to Article 13(2)(b)
Field 39.	Date of audits pursuant to Article 16(1)
Field 40.	Body carrying out the audit or verification
Field 41.	

⁽¹⁾ Field 25: to be provided for operational programmes co-financed by ESF where use is made of the option referred to in Article 34(2) of Regulation (EC) No 1083/2006 or of the option referred to in Article 8 of Regulation (EC) No 1080/2006.

⁽²⁾ Field 26 to be provided for operational programmes co-financed by ERDF where use is made of the option referred to in Article 34 (2) of Regulation (EC) No 1083/2006 or of the option referred to in Article 8 of Regulation (EC) No 1080/2006.

⁽³⁾ Article 21(1) of Regulation (EC) No 1080/2006.

⁽⁴⁾ Article 21(2) of Regulation (EC) No 1080/2006.

⁽⁵⁾ Article 21(3) of Regulation (EC) No 1080/2006.

⁽⁶⁾ Article 7(1)(b) of Regulation (EC) No 1080/2006.

⁽⁷⁾ Article 7(2)(c) of Regulation (EC) No 1080/2006

⁽⁸⁾ Article (7) of Regulation 1080/2006 and Article (11) of Regulation 1081/2006 of the European Parliament and of the Council (OJ L 210, 31.7.2006, p. 12).'

ANNEX III

In Annex IV, the following point 5 is added:

- '5. Where the number of operations for a given reference year is insufficient to allow the use of a statistical method for the random selection of the sample, a non- statistical method may be used. The method applied must ensure a random selection of the sample. The size of the sample must be determined taking into account the level of assurance provided by the system, and must be sufficient to enable the audit authority to draw valid conclusions (for example low sampling risk) on the effective functioning of the system.'
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ANNEX IV

ANNEX X

CERTIFICATE AND STATEMENT OF EXPENDITURE AND APPLICATION FOR INTERIM PAYMENT

EUROPEAN COMMISSION

..... *Fund or Funds concerned*

Certificate and statement of expenditure and payment application

Name of operational programme:

Commission Decision: *of*

Commission reference (CCJ) No:

National reference (if any):

CERTIFICATE

I, the undersigned,
representing the certifying authority designated by ⁽¹⁾

hereby certify that all expenditure included in the attached statement complies with the criteria for eligibility of expenditure set out in Article 56 of Regulation (EC) No 1083/2006 and has been paid by the beneficiaries on the implementation of the operations selected under the operational programme in accordance with the conditions for granting of public contributions under Article 78 of Regulation (EC) No 1083/2006

after

..	..	20..
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 and amounts to

Euro ⁽³⁾	
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(exact figure to two decimal places)

The attached statement of expenditure, broken down by priority, is based on accounts provisionally closed on

..	..	20..
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and forms an integral part of this certificate.

I also certify that operations are progressing in pursuance with the objectives laid down in the Decision and in accordance with Regulation (EC) No 1083/2006, and in particular that:

- (1) the expenditure declared complies with the applicable Community and national rules and has been paid in respect of operations selected for funding in accordance with the criteria applicable to the operational programme and the applicable Community and national rules, in particular:
 - State aid rules,
 - Public procurement rules,
 - Rules on the justification of advances in the framework of state aid under Article 87 of the EC Treaty by expenditure paid out by the beneficiary within a three years deadline;
- (2) the statement of expenditure is accurate, results from reliable accounting systems and is based on verifiable supporting documents;
- (3) the underlying transactions are lawful and comply with the rules and the procedures have been followed satisfactorily;
- (4) the statement of expenditure and the payment application take account, where applicable, of any amounts recovered ⁽⁴⁾ and of any interest on late payments received as referred to in Article 70(1)b of Regulation (EC) No 1083/2006 , and of revenue accruing from operations financed under the operational programme;
- (5) the breakdown of the underlying operations is recorded on computer files and is available to the relevant Commission departments on request.

In accordance with Article 90 of Regulation (EC) No 1083/2006, the supporting documents are and will continue to be available for at least three years following the closure of the operational programme by the Commission (without prejudice to the special conditions laid down in Article 100(1) of that Regulation).

Date

..	..	20..
----	----	------

Name in capitals, stamp, position and signature
of competent authority

.....

⁽¹⁾ Indicate the administrative instrument of designation in accordance with Article 59 of Regulation (EC) No 1083/2006 with any references and the date.
⁽²⁾ Reference date according to the Decision.
⁽³⁾ Total amount of eligible expenditure paid by beneficiaries.
⁽⁴⁾ Article 20(2b) of Regulation (EC) No 1828/2006 shall apply in relation to the exchange rate.

Statement of expenditure by priority axis: Interim payment

Operational Programme reference (CCI No):

Name of programme:

Date of provisional closure of accounts: Date of sending to the Commission:

Total certified eligible expenditure paid:

Priority Axis	Basis for calculating Community contribution (public or total) (%)	2007-2015	
		Total amount of eligible expenditure paid by beneficiaries	Corresponding public contribution
<i>Priority Axis 1</i>			
<i>Priority Axis 2</i>			
<i>Priority Axis 3</i>			
Total for regions not receiving transitional support			
Total for regions receiving transitional support			
Technical assistance: Total			
Grand total			

NB: If an operational programme is multi-objective or multi-Fund, the priority axis shall indicate the objective(s) and Fund(s) concerned.

(1) This co-financing rate and the method for its calculation are found in the financial table of the operational programme for the priority axis concerned.

APPLICATION FOR PAYMENT: Interim payment

Name of operational programme:

Operational programme reference (CCI) No:

Fund(s):

Pursuant to Article 61 of Regulation (EC) No 1083/2006, I, the undersigned (name in capitals, stamp, position and signature of competent authority), hereby request that you pay by way of intermediate payment the sum of:

In EUR	Convergence Objective	European Competitiveness and Employment Objective	European territorial Cooperation Objective
ERDF			
ESF			
Cohesion Fund			

This application is admissible because:

	Delete as appropriate
(a) no more than the maximum amount of assistance from the Funds as laid down in the decision of the Commission approving the operational programme has been paid by the Commission during the whole period for each priority axis	
(b) the managing authority has sent the Commission the most recent annual implementation report in accordance with Article 67(1) and (3) of Regulation (EC) No 1083/2006	<ul style="list-style-type: none">— has been forwarded by the managing authority within the time limit laid down— is attached— is not due
(c) there is no reasoned opinion by the Commission in respect of an infringement under Article 226 of the EC Treaty, as regards the operation(s) for which the expenditure is declared in the application for payment	

The payment should be made by the Commission to the body designated by the Member State for the purposes of making payments

Designated body	
Bank	
Bank account No	
Holder of account (where not the same as the designated body)	

Date

..	..	20..
----	----	------

Name in capitals, stamp, position and signature
of competent authority

.....

Certificate and statement of expenditure and application for final payment

EUROPEAN COMMISSION

..... *Fund or Funds concerned*

Certificate and statement of expenditure and payment application

Name of operational programme:

Commission Decision: *of*

Commission reference (CCI) No:

National reference (if any):

CERTIFICATE

I, the undersigned,
representing the certifying authority designated by ⁽¹⁾

hereby certify that all expenditure included in the attached statement complies with the criteria for eligibility of expenditure set out in Article 56 of Regulation (EC) No 1083/2006 and has been paid by the beneficiaries on the implementation of the operations selected under the operational programme in accordance with the conditions for granting of public contributions under Article 78 of Regulation (EC) No 1083/2006

after

..	..	20..
----	----	------

 and amounts to

euro ⁽²⁾	
---------------------	--

(exact figure to two decimal places)

The attached statement of expenditure, broken down by priority, is based on accounts closed on

..	..	20..
----	----	------

and forms an integral part of this certificate.

I also certify that operations have been carried out in pursuance of the objectives laid down in the Decision and in accordance with Regulation (EC) No 1083/2006, and in particular that:

- (1) the expenditure declared complies with the applicable Community and national rules and has been paid in respect of operations selected for funding in accordance with the criteria applicable to the operational programme and the applicable Community and national rules, in particular:
 - State aid rules,
 - Public procurement rules,
 - Rules on the justification of advances in the framework of state aid under Article 87 of the EC Treaty by expenditure paid out by the beneficiary within a three years deadline,
 - no declaration of expenditure concerning major projects which have not been approved by the Commission;
- (2) the statement of expenditure is accurate, results from reliable accounting systems and is based on verifiable supporting documents;
- (3) the underlying transactions are lawful and comply with the rules and the procedures have been followed satisfactorily;
- (4) the statement of expenditure and the payment application take account, where applicable, of any amounts recovered ⁽⁴⁾ and of any interest on late payments received as referred to in Article 70(1)b of Regulation (EC) No 1083/2006, and of revenue accruing from operations financed under the operational programme;
- (5) the breakdown of the underlying operations is recorded on computer files and is available to the relevant Commission departments on request.

In accordance with Article 90 of Regulation (EC) No 1083/2006, the supporting documents are and will continue to be available for at least three years following the closure of the operational programme by the Commission (without prejudice to the special conditions laid down in Article 100(1) of that Regulation).

Date

..	..	20..
----	----	------

Name in capitals, stamp, position and signature
of competent authority

.....

⁽¹⁾ Indicate the administrative instrument of designation in accordance with Article 59 of Regulation (EC) No 1083/2006 with any references and the date.
⁽²⁾ Reference date according to the Decision.
⁽³⁾ Total amount of eligible expenditure paid by beneficiaries.
⁽⁴⁾ Article 20(2b) of Regulation (EC) No 1828/2006 shall apply in relation to the exchange rate.

Statement of expenditure by priority axis: payment of the balance

Operational Programme reference No (CCI No):

Name of programme:

Date of final closure of accounts: Date of submission to the Commission:

Total certified eligible expenditure paid:

Priority Axis	Basis for calculating Community contribution (public or total) (%)	2007-2015	
		Total amount of eligible expenditure paid by beneficiaries	Corresponding public contribution
<i>Priority Axis 1</i>			
<i>Priority Axis 2</i>			
<i>Priority Axis 3</i>			
Total for regions not receiving transitional support			
Total for regions receiving transitional support			
Technical assistance: total			
Expenditure in the scope of the ERDF in the grand total where an operational programme is co-financed by the ESF (%) Expenditure in the scope of the ESF in the grand total where an operational programme is co-financed by the ERDF			
Grand total			

NB: If an operational programme is multi-objective or multi-fund, the priority axis shall indicate the objective(s) and Fund(s) concerned.

(¹) This co-financing rate and the method for its calculation are found in the financial table of the operational programme for the priority axis concerned.

(²) The field shall be completed according to whether the operational programme is co-financed by the ERDF or by the ESF if use is made of the option under Article 34 (2) of Regulation (EC) No 1083/2006.

APPLICATION FOR PAYMENT: payment of the balance

Name of operational programme:

Operational programme reference (CCI) No:

Fund(s):

Pursuant to Article 61 of Regulation (EC) No 1083/2006, I, the undersigned (name in capitals, stamp, position and signature of competent authority), hereby request that you pay by way of final payment:

In EUR	Convergence Objective	Regional competitiveness and Employment Objective	European territorial Cooperation Objective
ERDF			
ESF			
Cohesion Fund			

This application is admissible because:

	Delete as appropriate
(a) the final implementation report for the operational programme in accordance with Article 67 of Regulation (EC) No 1083/2006	<ul style="list-style-type: none">— has been forwarded by the managing authority within the time limit laid down— is attached
(b) a closure declaration referred to in Article 62(1)(e) of Regulation (EC) No 1083/2006	<ul style="list-style-type: none">— has been forwarded by the managing authority within the time limit laid down— is attached
(c) there is no reasoned opinion by the Commission in respect of an infringement under Article 226 of the EC Treaty, as regards the operation(s) for which the expenditure is declared in the application for payment in question	

The payment should be made by the Commission to the body designated by the Member State for the purposes of making payments

Designated body.	
Bank.	
Bank account No.	
Holder of account (where not the same as the designated body).	

Date

..	..	20..
----	----	------

Name in capitals, stamp, position and signature
of competent authority

.....

ANNEX XI

ANNUAL STATEMENT ON WITHDRAWN AND RECOVERED AMOUNTS, PENDING RECOVERIES AND IRRECOVERABLE AMOUNTS (ARTICLE 20(2))

1. WITHDRAWALS AND RECOVERIES DEDUCTED FROM STATEMENTS OF EXPENDITURE DURING THE YEAR 20...

a	(A) withdrawals ⁽¹⁾				(B) recoveries ⁽²⁾			
	b	c	d	e	f	g	h	i
Priority axis	Total amount of expenditure paid by beneficiaries withdrawn ⁽³⁾	Corresponding public contribution withdrawn ⁽⁴⁾	Total amount of expenditure withdrawn relating to irregularities reported under Art. 28(1) of Regulation (EC) No 1828/2006 ⁽⁵⁾	Amount of corresponding public contribution withdrawn relating to irregularities reported under Art. 28(1) of Regulation (EC) No 1828/2006 ⁽⁶⁾	Public contribution recovered ⁽⁷⁾	Total amount of expenditure paid by beneficiaries ⁽⁸⁾	Amount of public contribution recovered relating to irregularities reported under Art. 28(1) of Regulation (EC) No 1828/2006 ⁽⁹⁾	Total amount of expenditure relating to irregularities reported under Art. 28(1) of Regulation (EC) No 1828/2006 ⁽¹⁰⁾
1								
2								
3								
4								
...								
Total								

⁽¹⁾ Part A) of the table (withdrawals) is completed relating to expenditure already declared to the Commission and which has been withdrawn from the programme following detection of the irregularity. In this case the tables 2 and 3 of this annex will not need to be completed.

⁽²⁾ Part B) of the table (recoveries) is completed relating to expenditure which was left for the time being in the programme pending outcome of recovery proceedings and which has been deducted following recovery.

⁽³⁾ This amount is the total amount of expenditure already declared to the Commission which was affected by irregularities and which has been withdrawn.

⁽⁴⁾ This column has to be completed where the contribution of the Funds is calculated with reference to public eligible expenditure.

⁽⁵⁾ This amount is the part of the amount in column b) which has been reported as irregular under the reporting procedures laid down in Article 28 of Regulation (EC) No 1828/2006.

⁽⁶⁾ This column has to be completed where the contribution of the Funds is calculated with reference to public eligible expenditure.

⁽⁷⁾ This is the amount of public contribution effectively recovered from the beneficiary.

⁽⁸⁾ This amount is the amount of expenditure paid by the beneficiary corresponding to the public contribution in column f).

⁽⁹⁾ This amount relates to the part of the amount in column f) which has been reported as irregular under the reporting procedures laid down in Article 28 of Regulation (EC) No 1828/2006.

⁽¹⁰⁾ This amount relates to the part of the amount in column g) which has been reported as irregular under the procedures laid down in Article 28 of Regulation (EC) No 1828/2006.

2. PENDING RECOVERIES AS AT 31.12.20..

a	b	c	d	e	f
Priority axis	Year of launch of recovery proceedings	Public contribution to be recovered ⁽¹⁾	Total amount of eligible expenditure paid by beneficiaries ⁽²⁾	Total amount of expenditure relating to irregularities reported under Art. 28(1) of Regulation (EC) No 1828/2006 ⁽³⁾	Amount of public contribution to be recovered relating to irregularities reported under Art. 28(1) of Regulation (EC) No 1828/2006 ⁽⁴⁾
1	2007				
	2008				
	...				
2	2007				
	2008				
	...				
3	2007				
	2008				
Total					

⁽¹⁾ This is the public contribution subject to recovery proceedings at the level of the beneficiary.

⁽²⁾ This is the amount of the amount of expenditure paid by the beneficiary corresponding to the public contribution in column c).

⁽³⁾ This amount relates to the part of the amount in column d) which has been reported as irregular under the reporting procedures laid down in Article 28 of Regulation (EC) No 1828/2006.

⁽⁴⁾ This amount relates to the part of the amount in column c) which has been reported as irregular under the reporting procedures laid down in Article 28 of Regulation (EC) No 1828/2006.

23.9.2009

Official Journal of the European Union

L 250/23

(1) This is the reference number attributed to the irregularity or other identification referred to in Article 14(3) of Regulation (EC) No 1828/2006.

(2) This is the amount of public contribution paid by the beneficiary for which it was established that recovery could not be carried out or for which recovery is not expected to take place.

(3) This amount is the amount of expenditure paid by the beneficiary corresponding to the public contribution in column (e).

(4) Community share is calculated by applying the co-financing rate at the level of the priority axis either with reference to column (e) or (f) pursuant to Article 53(1)(a) or (b) of Regulation (EC) No 1083/2006.

ANNEX V

'ANNEX XIV

MODEL STATEMENT OF EXPENDITURE FOR A PARTIAL CLOSURE

Statement of expenditure by priority for a partial closure

Operational Programme reference (CCI No):

Name of programme:

Date of submission to the Commission:

Total certified expenditure of operations completed between/... And 31/12 [year]:

Priority Axis	2007-2015	
	Total amount of eligible expenditure paid by beneficiaries and certified	Corresponding public contribution
<i>Priority Axis 1</i>		
<i>Priority Axis 2</i>		
<i>Priority Axis 3</i>		
Grand total		

,

ANNEX VI

‘ANNEX XVIII

ANNUAL AND FINAL REPORTING

1. IDENTIFICATION

OPERATIONAL PROGRAMME	Objective concerned
	Eligible area concerned
	Programming period
	Programme number (CCI No)
	Programme title
ANNUAL IMPLEMENTATION REPORT	Reporting year
	Date of approval of the annual report by the monitoring committee

2. OVERVIEW OF THE IMPLEMENTATION OF THE OPERATIONAL PROGRAMME

2.1. Achievement and analysis of the progress

2.1.1. Information on the physical progress of the Operational Programme

For each quantified indicator and in particular the core indicators:

Indicators		2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
Indicator 1:	Achievement ⁽¹⁾										
	Target ⁽²⁾										
	Baseline ⁽³⁾										
...	...										
Indicator n:	Achievement										
	Target										
	Baseline										

⁽¹⁾ The achievement should be expressed cumulatively – the value for the indicator should be the total achieved value by the end of the reporting year. Previous years' achievements can be updated when submitting later years' annual implementation reports, if more accurate information is available.

⁽²⁾ The target can be given either annually or for the whole programming period.

⁽³⁾ Baseline inserted only for first year when the information is available, unless the concept of a dynamic baseline is being used.

All indicators shall be broken down by gender, where possible. If the figures (data) are not yet available, information on when they will become available and when the managing authority will provide it to the Commission shall be stated.

2.1.2. Financial information (all financial data should be expressed in euro)

	Expenditure paid out by the beneficiaries included in payment claims sent to the managing authority	Corresponding public contribution	Expenditure paid by the body responsible for making payments to the beneficiaries	Total payments received from the Commission
Priority axis 1	—	—	—	—
Specify the Fund of which ESF type expenditure of which ERDF type expenditure				
Priority axis 2	—	—	—	—
Specify the Fund of which ESF type expenditure of which ERDF type expenditure				
Priority axis ...	—	—	—	—
Specify the Fund of which ESF type expenditure of which ERDF type expenditure				
Grand total				
Total in transitional regions in the grand total				
Total in non-transitional regions in the grand total				
ESF type expenditure in the grand total where the operational programme is co-financed by the ERDF ⁽¹⁾				
ERDF type expenditure in the grand total where the operational programme is co-financed by the ESF ⁽¹⁾				

⁽¹⁾ This field shall be completed where the operational programme is co-financed by the ERDF or the ESF where use is made of the option under Article 34(2) of Regulation (EC) No 1083/2006.

— For operational programmes receiving a contribution of the ERDF under the specific allocation for outermost regions: the breakdown of the expenditure between operational costs and investments in infrastructures.

2.1.3. Information about the breakdown of use of the Funds

— Information in accordance with Part C of Annex II.

2.1.4. Assistance by target groups

- For ESF co-financed operational programmes: information by target groups in accordance with Annex XXIII.
- For ERDF co-financed operational programme: any relevant information on any specifically targeted groups, sectors or areas (where relevant).

2.1.5. Assistance repaid or re-used

- Information on the use made of assistance repaid or re-used following cancellation of assistance as referred to in Articles 57 and 98(2) of Regulation (EC) No 1083/2006.

2.1.6. Qualitative analysis

- Analysis of the achievements as measured by physical and financial indicators, including a qualitative analysis on the progress achieved in relation to the targets set out initially. Particular attention shall be paid to the operational programme's contribution to the Lisbon process including its contribution to the achievement of the targets of Article 9(3) of Regulation (EC) No 1083/2006.
- Demonstration of the effects of the implementation of the operational programme on the promotion of equal opportunities between men and women as appropriate and description of the partnership agreements.
- For ESF co-financed operational programmes: information required by Article 10 of Regulation (EC) No 1081/2006.

2.2. Information about compliance with Community law

Any significant problems relating to the compliance with Community law which have been encountered in the implementation of the operational programme and the measures taken to deal with them.

2.3. Significant problems encountered and measures taken to overcome them

- Any significant problems encountered in implementing the operational programme, including a summary of serious problems identified under the procedure in Article 62(1)(d)(i) of Regulation (EC) No 1083/2006, where appropriate, as well as any measures taken by the managing authority or the monitoring committee to solve the problems.
- For ESF funded programmes: any significant problems encountered in implementing the actions and activities of Article 10 of Regulation (EC) No 1081/2006.

2.4. Changes in the context of the operational programme implementation (if relevant)

Description of any elements which, without stemming directly from the assistance of the operational programme, have a direct impact on the programme's implementation (such as legislative changes or unexpected socio-economic developments).

2.5. Substantial modification pursuant to Article 57 of Regulation (EC) No 1083/2006 (if relevant)

Cases where a substantial modification pursuant to Article 57 of Regulation (EC) No 1083/2006 has been detected.

2.6. Complementarity with other instruments

Summary of the implementation of the arrangements made ensuring demarcation and coordination between the assistance from the ERDF, the ESF, the Cohesion Fund, the EAFRD, the EFF, and the interventions of the EIB and other existing financial instruments (Article 9(4) of Regulation (EC) No 1083/2006).

2.7. Monitoring and evaluation

Monitoring and evaluation measures taken by the management authority or the monitoring committee, including difficulties encountered and steps taken to solve them.

- 2.8. **National performance reserve** (where applicable and only for the annual implementation report submitted for 2010)

Information described in Article 50 of Regulation (EC) No 1083/2006.

3. IMPLEMENTATION BY PRIORITY

3.1. **Priority 1**

3.1.1. *Achievement of targets and analysis of the progress*

Information on the physical progress of the priority

For each quantified indicator in the priority axis and in particular the core indicators:

Indicators		2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
Indicator 1:	Achievement ⁽¹⁾										
	Target ⁽²⁾										
	Baseline ⁽³⁾										
...	...										
Indicator n:	Achievement										
	Target										
	Baseline										

⁽¹⁾ The achievement should be expressed cumulatively – the value for the indicator should be the total achieved value by the end of the reporting year. Previous years' achievements can be updated when submitting later years' annual implementation reports, if more accurate information is available.

⁽²⁾ The target can be given either annually or for the whole programming period.

⁽³⁾ Baseline inserted only for first year when the information is available, unless the concept of a dynamic baseline is being used.

All indicators shall be broken down by gender, where possible. If the data are not yet available, the information on when they will become available and when the managing authority will provide it to the Commission shall be stated.

— For ESF co-financed operational programmes: information by target groups in accordance with Annex XXIII.

Qualitative analysis

— Analysis of the achievements using the financial information (point 2.1.2) and physical indicators (point 3.1.1) and other relevant information.

— Demonstration of the effects of the promotion of equal opportunities between men and women (as appropriate).

— Analysis of the use of the Funds in accordance with Article 34(2) of Regulation (EC) No 1083/2006. For ESF programmes, information required in Article 10 of Regulation (EC) No 1081/2006.

— List of unfinished operations and the schedule for their completion (final report only).

3.1.2. *Significant problems encountered and measures taken to overcome them*

Information on any significant problems encountered in implementing the priority, including a summary of serious problems identified pursuant to the procedure in Article 62(1)(d)(i) of Regulation (EC) No 1083/2006, where appropriate, as well as any measures taken by the managing authority or the monitoring committee to solve the problems.

3.2. **Priority 2**

Idem.

3.3. **Priority 3**

Idem.

4. ESF PROGRAMMES: COHERENCE AND CONCENTRATION

For ESF programmes:

- a description of how the actions supported by the ESF are consistent with and contribute to the actions undertaken in pursuance of the European Employment Strategy within the framework of the national reform programmes and national action plans for social inclusion,
- a description of how the ESF actions contribute to implementation of the employment recommendations and of the employment related objectives of the Community in the field of social inclusion, education and training (Article 4(1) of Regulation (EC) No 1081/2006).

5. ERDF/CF PROGRAMMES: MAJOR PROJECTS (IF APPLICABLE)

For ongoing major projects:

- Progress in the implementation of different stages of major projects as defined in the timetable laid down in point D.1 of Annexes XXI and XXII.
- Progress in the financing of major projects based on the information provided in point H.2.2 of Annexes XXI and XXII (the information must be provided cumulatively).

For completed major projects:

- List of completed major projects, including the date of completion, total final investment costs using the template provided in point H.2.2 of Annexes XXI and XXII and key output and result indicators, including, where relevant, the core indicators, laid down in the Commission decision on the major project.
- Significant problems encountered in implementing major projects and measures taken to overcome them.
- Any change in the indicative list of major projects in the operational programme.

6. TECHNICAL ASSISTANCE

- Explanation of the use made of technical assistance.
- Percentage of the amount of the Structural Funds contribution allocated to the operational programme spent under technical assistance.

7. INFORMATION AND PUBLICITY

- Information in accordance with Article 4(2) of this Regulation, including achievements, examples of good practice and significant events.'

ANNEX VII

‘ANNEX XX

MAJOR PROJECT STRUCTURED DATA TO BE ENCODED

Major project key details		Infrastructure application form	Productive investment application form	Type of data
Project name		B.1.1	B.1.1	Text
Name of company		n.a.	B.1.2	Text
SME		n.a.	B.1.3	Y/N
Priority theme dimension		B.2.1	B.2.1	Code(s)
Form of finance dimension		B.2.2	B.2.2	Code
Territorial dimension		B.2.3	B.2.3	Code
Economic activity dimension		B.2.4	B.2.4	Code(s)
NACE code		B.2.4.1	B.2.4.1	Code(s)
Nature of the investment		n.a.	B.2.4.2	Code
Location dimension		B.2.5	B.2.5	Code(s)
Fund		B.3.4	B.3.3	ERDF/CF
Priority Axis		B.3.4	B.3.4	Text
PPP		B.4.2.d	n.a.	Y/N
Construction phase — Start date		D.1.8A	D.1.5A	Date
Construction phase — Completion date		D.1.8B	D.1.5B	Date
Reference period		E.1.2.1	E.1.2.1	Years
Financial discount rate		E.1.2.2	E.1.2.2	%
Total investment cost		E.1.2.3	E.1.2.3	EUR
Total investment cost (present value)		E.1.2.4	n.a.	EUR
Residual value		E.1.2.5	n.a.	EUR
Residual value (present value)		E.1.2.6	n.a.	EUR
Revenues (present value)		E.1.2.7	n.a.	EUR
Operating cost (present value)		E.1.2.8	n.a.	EUR
Net revenue (present value)		E.1.2.9	n.a.	EUR
Eligible expenditure (present value)		E.1.2.10	n.a.	EUR
Estimated increase in annual turnover		n.a.	E.1.2.4	EUR
% change in turnover per person employed		n.a.	E.1.2.5	%
Financial rate of return (without Community grant)		E.1.3.1A	E.1.3.1A	%
Financial rate of return (with Community grant)		E.1.3.1B	E.1.3.1B	%
Financial net present value (without Community grant)		E.1.3.2A	E.1.3.2A	EUR
Financial net present value (with Community grant)		E.1.3.2B	E.1.3.2B	EUR
Eligible costs		H.1.12C	H.1.10C	EUR
Decision amount		H.2.1.3	H.2.1.1	EUR
Community grant		H.2.1.5	H.2.1.3	EUR
Expenditure already certified	Amount in EUR:	H.2.3	H.2.3	EUR
Economic costs and benefits		E.2.2	E.2.2	Text/EUR
Social discount rate		E.2.3.1	E.2.3.1	%

Major project key details	Infrastructure application form	Productive investment application form	Type of data
Economic rate of return	E.2.3.2	E.2.3.2	%
Economic net present value	E.2.3.3	E.2.3.3	EUR
Benefit/Cost ratio	E.2.3.4	E.2.3.4	Number
Number of jobs directly created during implementation phase	E.2.4.1A	E.2.4 a) 1A	Number
Average duration of jobs directly created during implementation phase	E.2.4.1B	E.2.4 a) 1B	Months/permanent
Number of jobs directly created during operational phase	E.2.4.2A	E.2.4 a) 2A	Number
Average duration of jobs directly created during operational phase	E.2.4.2B	E.2.4 a) 2B	Months/permanent
Number of jobs indirectly created during operational phase	n.a.	E.2.4 a) 4A	Number
Inter regional employment impact	n.a.	E.2.4 c)	Neg/Neut/Pos
EIA class of development	F.3.2.1	F.3.2.1	I/II/Not covered
EIA carried out if class II	F.3.2.3	F.3.2.3	Y/N
% of cost to compensate for negative environmental impacts	F.6	F.6	%
Other Community sources (EIB/EIF)	I.1.3	I.1.3	Y/N
Involvement of Jaspers	I.4.1	I.4.1	Y/N
Core indicators (please choose relevant core indicator from a drop down list available in the electronic system):	B.4.2B	n.a.	Number

ANNEX XXI

**MAJOR PROJECT
REQUEST FOR CONFIRMATION OF ASSISTANCE UNDER ARTICLES 39 TO 41 OF REGULATION (EC) No 1083/2006**

EUROPEAN REGIONAL DEVELOPMENT FUND/COHESION FUND

INFRASTRUCTURE INVESTMENT

[Project title]

CCI No [.....]

A. ADDRESSES AND REFERENCES

A.1. Authority responsible for the application (i.e., managing authority or intermediate body)

A.1.1. *Name:*

A.1.2. *Address:*

A.1.3. *Contact:*

A.1.4. *Telephone:*

A.1.5. *Telex/Fax:*

A.1.6. *E-mail:*

A.2. Organisation responsible for project implementation (beneficiary)

A.2.1. *Name:*

A.2.2. *Address:*

A.2.3. *Contact:*

A.2.4. *Telephone:*

A.2.5. *Telex/Fax:*

A.2.6. *E-mail:*

B. PROJECT DETAILS

B.1. Title of project/project phase:

--

B.2. Categorisation of project activity ⁽¹⁾

	Code	Percentage
B.2.1. <i>Code for the priority theme dimension</i>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
B.2.2. <i>Code for the form of finance dimension</i>	<input type="text"/>	
B.2.3. <i>Code for the territorial dimension</i>	<input type="text"/>	
B.2.4. <i>Code for the economic activity dimension ⁽²⁾</i>	<input type="text"/>	<input type="text"/>
B.2.4.1. <i>NACE Code ⁽³⁾</i>	<input type="text"/>	
B.2.5. <i>Code for the location dimension (NUTS/LAU) ⁽⁴⁾</i>	<input type="text"/>	

⁽¹⁾ Annex II to Regulation (EC) No 1828/2006 unless otherwise specified.

⁽²⁾ Where a project involves more than one economic activity, multiple codes may be indicated. In that case the percentage share for each code should be indicated with the total not exceeding 100%.

⁽³⁾ NACE-Rev.2, 4 digit code: Regulation (EC) No 1893/2006 of the European Parliament and of the Council (OJ L 393, 30.12.2006, p.1).

⁽⁴⁾ Regulation (EC) No 1059/2003 of the European Parliament and of the Council (OJ L 154, 21.6.2003, p. 1). Use the most detailed and relevant NUTS code. Where a project affect multiple individual NUTS/LAU 2 level areas, consider encoding the NUTS/LAU1 or higher codes.

B.3. Compatibility and coherence with the Operational Programme

B.3.1. *Title of the related Operational Programme*

B.3.2. *Common Code for Identification (CCI) No of Operational Programme*

B.3.3. *Fund*

ERDF ☐

Cohesion Fund ☐

B.3.4. *Title of the priority axis*

B.4. Project description

B.4.1. *Project (or project phase) description:*

(a) Provide a description of the project (or project phase).

(b) Where the project is a phase of an overall project, provide a description of the proposed stages of implementation (explaining whether they are technically and financially independent).

(c) What criteria have been used to determine the division of the project into phases?

B.4.2. *Technical description of the investment in infrastructure*

(a) Describe the proposed infrastructure and the work for which assistance is being proposed specifying its main characteristics and component elements.

(b) In respect of the work involved, identify and quantify the key output indicators and, where relevant, the core indicators to be used:

(c) Main beneficiaries of the infrastructure (i.e. target population served, quantified where possible):

(d) Is the construction of the infrastructure to be delivered through a public-private partnership (PPP)?

Yes ☐

No ☐

If yes, describe the form of the PPP (i.e., selection process for private partner, structure of PPP, infrastructure ownership arrangements, risk allocation arrangements, etc.):

Give details of how the infrastructure is to be managed after the project is completed (i.e., public management, concession, other form of PPP).

(e) Does the project form part of a Trans-European Network agreed at Community level?

Yes ☐ No ☐

B.5. Project objectives

B.5.1. *Current infrastructure endowment and impact of the project*

Indicate the extent to which the region(s) is/are at present endowed with the type of infrastructure covered by this application; compare it with the level of infrastructure endowment aimed for by target year 20..... (i.e., according to the relevant strategy or national/regional plans, where applicable). Indicate the foreseeable contribution of the project to the strategy/plan objectives. Specify potential bottlenecks or other problems to be resolved.

B.5.2. *Socio-economic objectives*

Indicate the project's socio-economic objectives and targets.

B.5.3. *Contribution to the achievement of the Operational Programme*

Describe how the project contributes to the achievement of the priorities of the Operational Programme (provided quantified indicators where possible).

C. RESULTS OF FEASIBILITY STUDIES

C.1. **Provide a summary of the main conclusions of the feasibility studies conducted**

Give precise references if ERDF, Cohesion Fund, ISPA or other Community assistance is/was involved in the financing of the feasibility studies.

C.1.1. *Demand analysis*

Provide a summary of the demand analysis, including the predicted utilisation rate on completion and the demand growth rate.

C.1.2. *Options considered*

Outline the alternative options considered in the feasibility studies.

D. TIMETABLE

D.1. **Project timetable**

Give below the timetable for the development of the overall project.

Where the application concerns a project stage, clearly indicate in the table the elements of the overall project for which assistance is being sought by this application:

	Start date (A) dd/mm/yyyy	Completion date (B) dd/mm/yyyy
1. Feasibility studies:		
2. Cost-benefit analysis (including financial analysis):		
3. Environmental impact assessment:		
4. Design studies:		
5. Preparation of Tender documentation:		
6. Expected launch of tender procedure(s) (*):		
7. Land acquisition:		
8. Construction phase/contract:		
9. Operational phase:		

(*) Specify for each tender

Please attach a summary schedule of the main categories of works (i.e., a Gantt chart, where available).

D.2. **Project maturity**

Describe the project timetable (D.1) in terms of the technical and financial progress and current maturity of the project under the following headings:

D.2.1. *Technical (feasibility studies, etc.):*

D.2.2. *Administrative (authorisations, EIA, land purchase, invitations to tender, etc.):*

D.2.3. *Financial (commitment decisions in respect of national public expenditure, loans requested or granted, etc. - give references):*

D.2.4. *If the project has already started, indicate the current state of works:*

E. COST-BENEFIT ANALYSIS

This section should be based on the Guidelines on the methodology for carrying out the cost-benefit-analysis of major projects. In addition to the summary elements to be provided, the full cost-benefit analysis document shall be provided in support of this application as Annex II.

E.1. **Financial analysis**

The key elements from the financial analysis of the CBA should be summarised below.

E.1.1. *Short description of methodology and specific assumptions made*

E.1.2. *Main elements and parameters used in the CBA for financial analysis*

Main elements and parameters	Value Not discounted	Value Discounted (Net Present Value)
1. Reference period (years)		
2. Financial discount rate (%) ⁽¹⁾		
3. Total investment cost excluding contingencies (in euro, not discounted) ⁽²⁾		
4. Total investment cost (in euro, discounted)		
5. Residual value (in euro, not discounted)		
6. Residual value (in euro, discounted)		
7. Revenues (in euro, discounted)		
8. Operating costs (in euro, discounted)		
Funding gap calculation ⁽³⁾		
9. Net revenue = revenues – operating costs + residual value (in euro, discounted) = (7) – (8) + (6)		
10. Investment cost – net revenue (in euro, discounted) = (4) – (9) (Article 55 (2))		
11. Funding gap rate (%) = (10) / (4)		

⁽¹⁾ Specify if the rate is real or nominal. If the financial analysis is conducted in constant prices, a financial discount rate expressed in real terms shall be used. If the analysis is conducted in current prices, a discount rate in nominal terms shall be used.

⁽²⁾ Investment cost should here exclude contingencies in accordance with working document number 4.

⁽³⁾ This does not apply: 1) for projects subject to the rules on State aids in the meaning of Article 87 of the EC Treaty (see point G.1), pursuant to Article 55(6) of Regulation (EC) No 1083/2006 and 2) if operating costs are higher than revenues the project is not considered as revenue generating in the sense of Article 55 of Regulation (EC) No 1083/2006, in which case, ignore items 9 and 10 and set funding gap to 100%.

Where VAT is recoverable, the costs and revenues should be based on figures excluding VAT.

E.1.3. *Main results of the financial analysis*

	Without Community assistance (FRR/C) A		With Community assistance (FRR/K) B ⁽¹⁾	
1. Financial rate of return (%)		FRR/C		FRR/K
2. Net present value (euro)		FNPV/C		FNPV/K

⁽¹⁾ For the calculation of the project profitability without ('/C') and with ('/K') Community assistance, refer to the guidance provided by the Commission in line with Article 40 of Regulation (EC) No 1083/2006.

E.1.4. *Revenues generated over its lifetime*

If the project is expected to generate revenues through tariffs or charges borne by users, please give details of charges (types and level of charges, principle or Community legislation on the basis of which the charges have been established).

(a) Do the charges cover the operational costs and depreciation of the project?

(b) Do the charges differ between the various users of the infrastructure?

(c) Are the charges proportional

i) To the use of the project/real consumption?

ii) To the pollution generated by users?

If no tariffs or charges are proposed, how will operating and maintenance costs be covered?

E.2. Socio-economic analysis

E.2.1. *Provide a short description of methodology (key assumptions made in valuing costs and benefits) and the main findings of the socio-economic analysis:*

E.2.2. *Give details of main economic costs and benefits identified in the analysis together with values assigned to them:*

Benefit	Unit value (where applicable)	Total value (in euro, discounted)	% of total benefits
...
Cost	Unit value (where applicable)	Total value (in euro, discounted)	% of total costs
...

E.2.3. *Main indicators of the economic analysis*

Main parameters and indicators	Values
1. Social discount rate (%)	
2. Economic rate of return (%)	
3. Economic net present value (in euro)	
4. Benefit-cost ratio	

E.2.4. *Employment effects of project*

Provide an indication of the number of jobs to be created (expressed in terms of full-time equivalents (FTE)).

Number of jobs directly created:	No (FTE) (A)	Average duration of these jobs (months) ⁽¹⁾ (B)
1. During implementation phase		
2. During operational phase		

⁽¹⁾ In case of permanent jobs, instead of duration in months, type 'permanent'.

[NB: indirect jobs created or lost are not sought for public infrastructure investments.]

E.2.5. *Identify the main non-quantifiable / non valuable benefits and costs:*

E.3. **Risk and sensitivity analysis**

E.3.1. *Short description of methodology and summary results*

E.3.2. *Sensitivity analysis*

State the percentage change applied to the variables tested:

Present the estimated effect on results of financial and economic performance indexes.

Variable tested	Financial Rate of Return variation	Financial Net Present Value variation	Economic Rate of Return variation	Economic Net Present Value variation

Which variables were identified as critical variables? State which criterion is applied.

Which are the switching values of the critical variables?

E.3.3. *Risk analysis*

Describe the probability distribution estimate of the project's financial and economic performance indexes. Provide relevant statistical information (expected values, standard deviation).

F. ANALYSIS OF THE ENVIRONMENTAL IMPACT

F.1. **How does the project:**

(a) contribute to the objective of environmental sustainability (European climate change policy, halting loss of biodiversity, other ...);

(b) respect the principles of preventive action and that environmental damage should as a priority be rectified at source;

(c) respect the 'polluter pays' principle.

F.2. **Consultation of environmental authorities**

Have the environmental authorities likely to be concerned by the project been consulted by reason of their specific responsibilities?

Yes ☐ No ☐

If yes, please give name(s) and address(es) and explain that authority's responsibility:

If no, please give reasons:

F.3. **Environmental Impact Assessment**

F.3.1. *Development consent* ⁽⁵⁾

F.3.1.1. Has development consent already been given to this project?

Yes ☐ No ☐

F.3.1.2. If yes, on which date

F.3.1.3. If no, when was the formal request for the development consent introduced:

F.3.1.4. By which date is the final decision expected?

F.3.1.5. Specify the competent authority or authorities, which has given or will give the development consent.

F.3.2. *Application of Council Directive 85/337/EEC on environmental impact assessment (EIA)* ⁽⁶⁾

F.3.2.1. Is the project a class of development covered by:

- ☐ Annex I to that Directive (go to question F.3.2.2)
- ☐ Annex II to that Directive (go to question F.3.2.3)
- ☐ Neither of the two annexes (go to question F.3.3)

F.3.2.2. When covered by Annex I to that Directive, include the following documents:

- (a) the information referred to in Article 9(1) of that Directive;
- (b) the non-technical summary ⁽⁷⁾ of the Environmental Impact Study carried out for the project;
- (c) information on consultations with environmental authorities, the public concerned and, if applicable, with other Member States.

F.3.2.3. When covered by Annex II to that Directive, has an Environmental Impact Assessment been carried out for this project?

☐ Yes

in which case, include the necessary documents listed under point F.3.2.2

☐ No

in which case, explain the reasons and give the thresholds, criteria or case by case examination carried out to reach the conclusion that the project has no significant environmental effects:

F.3.3. *Application of the strategic environmental assessment Directive 2001/42/ec of the European Parliament and of the Council* ⁽⁸⁾ (SEA-Directive)

⁽⁵⁾ The decision of the competent (national) authority or authorities which entitles the developer to proceed with the project. In cases where the project submitted is part of a wider operation, the development consent should refer only to the project submitted to the Commission. In cases where more than one development consent decisions are required, please repeat the information as many times as necessary.

⁽⁶⁾ OJ L 175, 5.7.1985, p. 40.

⁽⁷⁾ Prepared under Article 5(3) of Directive 85/337/EEC.

⁽⁸⁾ OJ L 197, 21.7.2001, p. 30.

F.3.3.1. Does the project result from a plan or programme falling within the scope of the SEA Directive?

☐ No (in which case please provide a short explanation):

☐ Yes (in which case, in order to appreciate if wider potential cumulative effects of the project have been addressed, please provide either an internet link to or an electronic copy of the non-technical summary ⁽⁹⁾ of the Environmental Report carried out for the plan or programme.)

F.4. Assessment of effects on NATURA 2000 Sites

F.4.1. *Is the project likely to have significant negative effects on sites included or intended to be included in the NATURA 2000 network?*

☐ Yes in which case

(1) Please provide a summary of the conclusions of the appropriate assessment carried out according to Article 6(3) of Council Directive 92/43/EEC ⁽¹⁰⁾.

(2) In case, compensation measures were deemed necessary according to Article 6(4), please provide a copy of the form 'Information on projects likely to have significant negative effect on NATURA 2000 sites, as notified to the Commission (DG Environment)' under Directive 92/43/EEC ⁽¹¹⁾.

☐ No in which case attach a completed Appendix I declaration filled in by the relevant authority.

F.5. Additional environmental integration measures

Does the project envisage, apart from Environmental Impact Assessment, any additional environmental integration measures (e.g. environmental audit, environmental management, specific environmental monitoring)?

Yes ☐ No ☐

If yes, specify

F.6. Cost of measures taken for correcting negative environmental impacts

If included in total cost, estimate proportion of cost of measures taken to reduce and/or to compensate for negative environmental impacts

%

Explain briefly:

F.7. In case of projects in the areas of water, waste water and solid waste:

Explain whether the project is consistent with a sectoral/integrated plan and programme associated with the implementation of Community policy or legislation ⁽¹²⁾ in those areas:

⁽⁹⁾ Prepared under Annex I(j) to Directive 2001/42/EC.

⁽¹⁰⁾ OJ L 206, 22.7.1992, p. 7.

⁽¹¹⁾ Document 99/7 rev.2 adopted by the Habitats Committee (established under Directive 92/43/EEC) at its meeting on 4 October 1999.

⁽¹²⁾ In particular, Directive 2000/60/EC of the European Parliament and of the Council (Water Framework Directive) (OJ L 327, 22.12.2000, p. 1) Council Directive 1991/271/EC (Urban Waste Water Treatment Directive) (OJ L 135, 30.5.1991, p. 40), Article 7 of Directive 2006/12/EC of the European Parliament and of the Council (Waste Framework Directive) (OJ L 114, 27.4.2006, p. 9), Council Directive 1999/31/EC (Landfill of Waste Directive) (OJ L 182, 16.7.1999, p. 1).

G. JUSTIFICATION FOR THE PUBLIC CONTRIBUTION

G.1. **Competition**

Does this project involve State Aids?

Yes ☐ No ☐

If yes, please give in the table below the amount of aid, and, for approved aid the state aid number and the reference of the approval letter, for block-exempted aid the respective registry number, and for pending notified aid the state aid number ⁽¹³⁾.

Sources of aid (local, regional, national and Community):	Amount of aid euro	State Aid number/ registry number for block-exempted aid	Reference of approval letter
Approved aid schemes, approved ad hoc aid, or aid falling under a block exemption regulation: • •			
Aid foreseen under pending notifications (ad hoc aid or schemes): • •			
Aid for which a notification is outstanding (ad hoc aid or schemes) • •			
Total aid granted:			
Total cost of the investment project			

G.2. **Impact of Community assistance on project implementation**

For each affirmative answer, give details:

Will Community assistance:

a) accelerate implementation of the project?

Yes ☐ No ☐

b) be essential to implementation of the project?

Yes ☐ No ☐

H. FINANCING PLAN

The decision amount and other financial information in this section must be coherent with the basis (total or public cost) for the co-financing rate of the priority axis. Where private expenditure is not eligible for financing under the priority axis it shall be excluded from the eligible costs; where private expenditure is eligible it may be included.

⁽¹³⁾ This application does not replace notification to the Commission under Article 88(3) of the EC Treaty. A positive decision by the Commission on the major project under Regulation (EC) No 1083/2006 does not constitute state aid approval.

H.1. Cost breakdown

(in Euro)

	Total Project costs (A)	Ineligible costs ⁽¹⁾ (B)	eligible costs (C) = (A) – (B)
1. Planning/design fees			
2. Land purchase			
3. Building and construction			
4. Plant and machinery			
5. Contingencies ⁽²⁾			
6. Price adjustment (if applicable) ⁽³⁾			
7. Technical assistance			
8. Publicity			
9. Supervision during construction implementation			
10. Sub-Total			
11. (VAT ⁽⁴⁾)			
12. Total	⁽⁵⁾		

⁽¹⁾ Ineligible costs comprise (i) expenditure outside the eligibility period, (ii) expenditure ineligible under national rules (Article 56(4) of Regulation (EC) No 1083/2006), (iii) other expenditure not presented for co-financing. NB: The starting date for eligibility of expenditure is the date of receipt of the draft operational programme by the Commission or 1 January 2007, whichever is the earlier.

⁽²⁾ Contingencies should not exceed 10 % of total investment cost net of contingencies. These contingencies may be included in the total eligible costs used to calculate the planned contribution of the funds – Section H2.

⁽³⁾ A price adjustment may be included, where relevant, to cover expected inflation where the eligible cost values are in constant prices.

⁽⁴⁾ Where VAT is considered as eligible, give reasons.

⁽⁵⁾ Total cost must include all costs incurred for the project, from planning to supervision and must include VAT even if VAT is considered non eligible.

H.2. Total planned resources and planned contribution from the Funds

The funding gap rate was already presented under Section E.1.2. This should be applied to the eligible cost to calculate the 'amount to which the co-financing rate for the priority axis applies' (Article 41(2) of Council Regulation (EC) No 1083/2006). This is then multiplied by the co-financing rate of the priority axis to determine the Community contribution.

H.2.1. Community contribution calculation

	Value
1. Eligible cost (in euro, not discounted) (Section H.1.12(C))	
2. Funding gap rate (%), if applicable = (E.1.2.11)	
3. Decision amount, i.e. the 'amount to which the co-financing rate for the priority axis applies' (Article 41(2)) = (1)*(2). If H.2.1.2 not applicable, the decision amount must respect the maximum public contribution according to state aid rules	
4. Co-financing rate of the priority axis (%)	
5. Community contribution (in euro) = (3)*(4)	

H.2.2. Sources of co-financing

In the light of the results of the financing gap calculation (where relevant) the total investment costs of the project shall be met from the following sources:

Source of total investment costs (€)					Of which (for Information)
Total investment cost [H.1.12.(A)]	Community assistance [H.2.1.5]	National public (or equivalent)	National private	Other sources (specify)	EIB/EIF loans
(a) = (b) + (c) + (d) + (e)	(b)	(c)	(d)	(e)	(f)

H.2.3. Expenditure already certified

Have expenditure for this major project been already certified?

Yes ☐ No ☐

If yes, state the amount: EUR.

H.3. Annual financing plan of Community contribution

The Community contribution (H.2.1.5) shall be presented below in terms of the share of annual programme commitment.

(in Euro)

	2007	2008	2009	2010	2011	2012	2013
[CF/ ERDF – specify]							

I. COMPATIBILITY WITH COMMUNITY POLICIES AND LAW

With regard to Article 9 (5) of Regulation (EC) No 1083/2006 provide the following information:

I.1. Other Community financing sources

I.1.1. Has an application been made for assistance from any other Community source (TEN-T Budget, LIFE+, R&D Framework Programme, other source of Community finance) for this project?

Yes ☐ No ☐

If yes, please give details (financial instrument concerned, reference Nos, dates, amounts requested, amounts granted, etc.):

I.1.2. Is this project complementary to any project already financed or to be financed by the ERDF, ESF, Cohesion Fund, TEN-T Budget, other source of Community finance?

Yes ☐ No ☐

If yes, give details (provide precise details, reference Nos, dates, amounts requested, amounts granted, etc.):

I.1.3. Has an application been made for loan or equity support from EIB / EIF for this project?

Yes ☐ No ☐

If yes, please give details (financial instrument concerned, reference Nos, dates, amounts requested, amounts granted, etc.):

- I.1.4. *Has an application been made for assistance from any other Community source (including ERDF, ESF, Cohesion Fund, EIB, EIF, other sources of Community finance) for an earlier phase of this project (including feasibility and preparatory phases)?*

Yes ☐ No ☐

If yes, please give details (financial instrument concerned, reference Nos, dates, amounts requested, amounts granted, etc.):

- I.2. **Is the project subject to a legal procedure for non-compliance with Community legislation?**

Yes ☐ No ☐

If yes, please give details:

- I.3. **Publicity measures**

Give details of the proposed measures to publicise Community assistance (for example, type of measure, brief description, estimated costs, duration, etc.):

- I.4. **Involvement of JASPERS in project preparation**

- I.4.1. *Has JASPERS technical assistance contributed to any part of the preparation of this project?*

Yes ☐ No ☐

- I.4.2. *Describe the elements of the project where JASPERS had an input (e.g. environmental compliance, procurement, review of technical description).*

- I.4.3. *What were the principal conclusions and recommendations of the JASPERS contribution and were these taken into account in the finalisation of the project?*

- I.5. **Public procurement**

In cases where contracts have been advertised in the *Official Journal of the European Union*, give reference.

Contract	Date	Reference
...

- J. **ENDORSEMENT OF COMPETENT NATIONAL AUTHORITY**

I confirm that the information presented in this form is accurate and correct.

Name:

Signature:

Organisation:

(Managing authority)

Date:

Appendix I

DECLARATION BY AUTHORITY RESPONSIBLE FOR MONITORING
NATURA 2000 SITES

Responsible Authority

Having examined the project application

Which is to be located at

Declares that the project is not likely to have significant effects on a *NATURA 2000* site on the following grounds:

--

Therefore an appropriate assessment required by Article 6(3) was not deemed necessary.

A map at scale of 1:100 000 (or the nearest possible scale) is attached, indicating the location of the project as well as the *NATURA 2000* sites concerned, if any.

Date (dd/mm/yyyy):

Signed:

Name:

Position:

Organisation:

(Authority responsible for monitoring *NATURA 2000* sites)

Official Seal:



ANNEX XXII

MAJOR PROJECT
REQUEST FOR CONFIRMATION OF ASSISTANCE UNDER ARTICLES 39 TO 41 OF REGULATION (EC) No 1083/2006

EUROPEAN REGIONAL DEVELOPMENT FUND/COHESION FUND

PRODUCTIVE INVESTMENT

[Project title]

CCI No [.....]

A. ADDRESSES AND REFERENCES

A.1. Authority responsible for the application (i.e., managing authority or intermediate body)

A.1.1. *Name:*

A.1.2. *Address:*

A.1.3. *Contact:*

A.1.4. *Telephone:*

A.1.5. *Telex/Fax:*

A.1.6. *E-mail:*

A.2. Organisation responsible for project implementation (beneficiary)

A.2.1. *Name:*

A.2.2. *Address:*

A.2.3. *Contact:*

A.2.4. *Telephone:*

A.2.5. *Telex/Fax:*

A.2.6. *E-mail:*

B. PROJECT DETAILS

B.1. Description of the project

B.1.1. *Name of the project/ project phase:*

B.1.2. *Name of the undertaking:*

B.1.3. *Is the undertaking an SME (1)?*

Yes ☐ No ☐

B.1.4. *Turnover:*

value million euro

B.1.5. *Total number of persons employed: value*

B.1.6. *Group structure:*

Are 25 % or more of the capital or voting rights of the undertaking owned by one enterprise or a group of enterprises falling outside the definition of an SME?

Yes ☐ No ☐

Indicate the name and describe the group structure.

(1) Commission Recommendation 2003/361/EC (OJ L 124, 20.5.2003, p. 36).

B.2. Categorisation of project activity ⁽²⁾

	Code	Percentage
B.2.1. Code for the priority theme dimension ⁽³⁾	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
B.2.2. Code for the form of finance dimension	<input type="text"/>	
B.2.3. Code for the territorial dimension	<input type="text"/>	
B.2.4. Code for the economic activity dimension	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
B.2.4.1. NACE Code ⁽⁴⁾	<input type="text"/>	
B.2.4.2. Nature of the investment ⁽⁵⁾	<input type="text"/>	
B.2.4.3. Product concerned ⁽⁶⁾	<input type="text"/>	
B.2.5. Code for the location dimension (NUTS/LAU) ⁽⁷⁾	<input type="text"/>	

B.3. Compatibility and coherence with the Operational Programme

B.3.1. Title of the related Operational Programme:

B.3.2. Common Code for Identification (CCI) No of Operational Programme

B.3.3. Fund

ERDF ☐Cohesion Fund ☐

B.3.4. Title of the priority axis:

B.4. Project description

B.4.1. Project (or project phase) description:

(a) Provide a description of the project (or project phase).

(b) Where the project is a phase of an overall project, provide a description of the proposed stages of implementation (explaining whether they are technically and financially independent).

(c) What criteria have been used to determine the division of the project into phases?

⁽²⁾ Annex II to this Regulation unless otherwise specified.⁽³⁾ Where a project involves more than one economic activity, multiple codes may be indicated. In that case, the percentage share for each code should be indicated with the total not exceeding 100%.⁽⁴⁾ NACE-Rev.2, 4 digit code: Regulation (EC) No 1893/2006.⁽⁵⁾ New construction = 1; extension = 2; conversion/modernisation = 3; change of locality = 4; creation by take-over = 5.⁽⁶⁾ Combined Nomenclature (CN), Council Regulation (EEC) No 2658/87 (OJ L 256, 7.9.1987, p. 1).⁽⁷⁾ Regulation (EC) No 1059/2003. Use the most detailed and relevant NUTS code. Where a project affects more than three individual Nuts – Lau 2 level areas, consider encoding the NUTS/LAU1 or higher codes.

B.4.2. *Technical description of the productive investment*

Fully describe:

- (a) The work involved, specifying its main characteristics and component elements (use quantified indicators where possible).

- (b) The establishment, main activities and main elements of the financial structure of the enterprise.

- (c) The objectives of the investment and main aspects of the new construction, extension, conversion/modernisation, change of locality, creation by take-over covering the investment.

- (d) Describe the production technology and equipment.

- (e) Describe the products.

B.5. *Project objectives*

B.5.1. *Current infrastructure endowment and impact of the project*

Indicate the extent to which the region(s) is/are at present endowed with the type of production facilities or activities covered by this application. Indicate the foreseeable contribution of the project:

B.5.2. *Contribution to the achievement of the Operational Programme*

Indicate how the project contributes to the achievement of the priorities of the Operational Programme (provided quantified indicators where possible).

C. *RESULTS OF FEASIBILITY STUDIES*

C.1. *Provide a summary of the main conclusions of the feasibility studies (or business plan) conducted*

C.1.1. *Demand analysis*

- C.1.1.1. Describe the target markets, broken down, where appropriate, by Member State and, separately, by third countries considered as a whole:

- C.1.1.2. Provide a summary of the demand analysis including the demand growth rate broken down, where appropriate, by Member State and, separately, by third countries considered as a whole:

C.1.2. *Capacity considerations*

C.1.2.1. Capacity of the firm before investment (in units per year):

C.1.2.2. Reference date:

C.1.2.3. Capacity after investment (in units per year):

C.1.2.4. Estimate the capacity utilisation rate:

D. TIMETABLE

D.1. **Project timetable**

Give below the timetable for the development of the overall project.

Where the application concerns a project stage clearly indicate in the table the elements of the overall project for which assistance is being sought by this application:

	Start date (A) dd/mm/yyyy	Completion date (B) dd/mm/yyyy
1. Feasibility study/Business plan:		
2. Cost-benefit analysis:		
3. Environmental impact assessment:		
4. Land acquisition:		
5. Construction phase:		
6. Operational phase:		

Please attach a summary schedule of the main categories of works (i.e., a Gantt chart, where available).

D.2. **Project maturity**

Describe the project timetable (D.1) in terms of the technical and financial progress and current maturity of the project under the following headings:

D.2.1. *Technical (feasibility studies, etc.);*

D.2.2. *Administrative (authorisations, EIA, land purchase, etc.);*

D.2.3. *Financial (commitment decisions in respect of national public expenditure, loans requested or granted, etc. - give references)*

D.2.4. *If the project has already started, indicate the current state of works:*

E. COST-BENEFIT ANALYSIS

This section should be based on the Guidelines on the methodology for carrying out the cost-benefit analysis of major projects. In addition to the summary elements to be provided below the full cost-benefit analysis document shall be provided in support of this application as Annex II.

E.1. Financial analysis

The key elements from the financial analysis of the CBA should be summarised below.

E.1.1. Short description of methodology and specific assumptions made

--

E.1.2. Main elements and parameters used in the CBA for financial analysis

Main elements and parameters taken into account in calculation of expected profitability	
1. Reference period (years)	
2. Financial discount rate (%)	
3. Total investment cost (in euro)	
4. Estimated increase in annual turnover realised by this investment (in euro)	
5. % change in turnover per person employed (only in the case of expansion of an activity)	

E.1.3. Main results of the financial analysis

	Without Community assistance (FRR/C) A		With Community assistance (FRR/K) B (1)	
1. Financial rate of return: (%)		FRR/C		FRR/K
2. Net present value (euro)		FNPV/C		FNPV/K

(1) For the calculation of the project profitability without ('/C') and with ('/K') Community assistance, refer to guidance provided by the Commission in line with Article 40 of Regulation (EC) No 1083/2006.

E.2. Socio-economic analysis**E.2.1. Provide a short description of methodology (key assumptions made in valuing costs and benefits) and the main findings of the socio-economic analysis:**

--

E.2.2. Please give details of main economic costs and benefits identified in the analysis together with values assigned to them:

Benefit	Unit value (where applicable)	Total value (in euro, discounted)	% of total benefits
...
Cost	Unit value (where applicable)	Total value (in euro, discounted)	% of total costs
...

E.2.3. *Main indicators of the economic analysis*

Main parameters and indicators	Values
1. Social discount rate (%)	
2. Economic rate of return (%)	
3. Economic net present value (in euro)	
4. Benefit-cost ratio	

E.2.4. *Employment effects of project*

(a) Provide an indication of the number of jobs to be created (expressed in terms of full-time equivalents (FTE))

	No (FTE) (A)	Average duration of these jobs (months) (¹) (B)
<i>No of jobs directly created:</i>		
1. During implementation phase		
2. During operational phase		
<i>No of jobs indirectly created</i>		
3. During implementation phase		
4. During operational phase		

(¹) In case of permanent jobs, instead of duration in months, type 'permanent'.

(b) Jobs safeguarded

Estimate the number of jobs (full time equivalents) that would be lost if the investment is not realised:

Explain the reasons:

(c) Inter-regional employment impact

What impact is the project expected to have on employment in other regions of the Community?

Give details:

E.2.5. *Identify the main non-quantifiable/non valuable benefits and costs:*

E.3. **Risk and sensitivity analysis**

E.3.1. *Short description of methodology and summary results*

E.3.2. *Sensitivity analysis*

State the percentage change applied to the variables tested:

Present the estimated effect on results of financial and economic performance indexes.

Variable tested	Financial Rate or Return variation	Financial Net Present Value variation	Economic Rate or Return variation	Economic Net Present Value variation

Which variables were identified as critical variables? State which criterion is applied.

Which are the switching values of the critical variables?

E.3.3. *Risk analysis*

Describe the probability distribution estimate of the project's financial and economic performance indexes. Provide relevant statistical information (expected values, standard deviation).

F. ANALYSIS OF THE ENVIRONMENTAL IMPACT

F.1. **How does the project:**

(a) contribute to the objective of environmental sustainability (European climate change policy, halting loss of biodiversity, other ...);

(b) respect the principles of preventive action and that environmental damage should as a priority be rectified at source;

(c) respect the 'polluter pays' principle.

F.2. **Consultation of environmental authorities**

Have the environmental authorities likely to be concerned by the project been consulted by reason of their specific responsibilities?

Yes ☐ No ☐

If yes, please give name(s) and address(es) and explain that authority's responsibility:

If no, please give reasons

F.3. Environmental Impact Assessment

F.3.1. Development consent ⁽⁹⁾

F.3.1.1. Has development consent already been given to this project?

Yes ☐ No ☐

F.3.1.2. If yes, on which date

F.3.1.3. If no, when was the formal request for the development consent introduced:

F.3.1.4. By which date is the final decision expected?

F.3.1.5. Specify the competent authority or authorities, which has given or will give the development consent

F.3.2. Application of Council Directive 85/337/EEC on environmental impact assessment (EIA) ⁽⁹⁾

F.3.2.1. Is the project a class of development covered by:

- ☐ Annex I to that Directive (go to question F.3.2.2)
- ☐ Annex II to that Directive (go to question F.3.2.3)
- ☐ Neither of the two annexes (go to question F.3.3)

F.3.2.2. When covered by Annex I to that Directive, include the following documents:

- a) The information referred to in Article 9(1) of that Directive
- b) The non-technical summary ⁽¹⁰⁾ of the Environmental Impact Study carried out for the project;
- c) Information on consultations with environmental authorities, the public concerned and, if applicable, with other Member States.

F.3.2.3. When covered by Annex II to that Directive, has an Environmental Impact Assessment been carried out for this project?

☐ Yes

in which case include the necessary documents listed under point F.3.2.2

☐ No

in which case explain the reasons and give the thresholds, criteria or case by case examination carried out to reach the conclusion that the project has no significant environmental effects:

F.3.3. Application of the strategic environmental assessment directive 2001/42/EC of the European Parliament and of the Council ⁽¹¹⁾ (SEA-Directive)

⁽⁹⁾ The decision of the competent (national) authority or authorities which entitles the developer to proceed with the project. In cases where the project submitted is part of a wider operation, the development consent should refer only to the project as submitted to the Commission. In cases where more than one development consent decisions are required, please repeat the information as many times as necessary.

⁽⁹⁾ OJ L 175, 5.7.1985, p. 40.

⁽¹⁰⁾ Prepared under Article 5(3) of Directive 85/337/EEC.

⁽¹¹⁾ OJ L 197, 21.7.2001, p. 30.

F.3.3.1. Does the project result from a plan or programme falling within the scope of the SEA Directive?

☐ No in which case please provide a short explanation:

☐ Yes in which case, in order to appreciate if wider potential cumulative effects of the project have been addressed, please provide either an internet link to or an electronic copy of the non-technical summary ⁽¹²⁾ of the Environmental Report carried out for the plan or programme.

F.4. **Assessment of effects on NATURA 2000 sites**

F.4.1. *Is the project likely to have significant negative effects on sites included or intended to be included in the NATURA 2000 network?*

☐ Yes in which case

(1) Please provide a summary of the conclusions of the appropriate assessment carried out according to Article 6(3) of Directive 92/43/EEC ⁽¹³⁾.

(2) In case, compensation measures were deemed necessary according to Article 6(4), please provide a copy of the form 'Information on projects likely to have significant negative effect on NATURA 2000 sites, as notified to the Commission (DG Environment) under Directive 92/43/EEC ⁽¹⁴⁾'.

☐ No in which case attach a completed Appendix I declaration filled in by the relevant authority.

F.5. **Additional environmental integration measures**

Does the project envisage, apart from Environmental Impact Assessment, any additional environmental integration measures (e.g. environmental audit, environmental management, specific environmental monitoring)?

Yes ☐ No ☐

If yes, specify

F.6. **Cost of measures taken for correcting negative environmental impacts**

If included in total cost, estimate proportion of cost of measures taken to reduce and/or to compensate for negative environmental impacts

%

Explain briefly:

G. **JUSTIFICATION FOR THE PUBLIC CONTRIBUTION**

G.1. **Competition**

Does this project involve State Aids?

Yes ☐ No ☐

⁽¹²⁾ Prepared under Annex I(j) to Directive 2001/42/EC.

⁽¹³⁾ OJ L 206, 22.7.1992, p. 7.

⁽¹⁴⁾ Document 99/7 rev.2 adopted by the Habitats Committee (established under Directive 92/43/EEC) at its meeting on 4 October 1999.

If yes, please give in the table below the amount of aid, and, for approved aid the state aid number and the reference of the approval letter, for block-exempted aid the respective registry number, and for pending notified aid the state aid number ⁽¹⁵⁾.

Sources of aid (local, regional, national and Community)	Amount of aid euro	State Aid number/registry number for block-exempted aid	Reference of approval letter
Approved aid schemes, approved ad hoc aid, or aid falling under a block exemption regulation: • •			
Aid foreseen under pending notifications (ad hoc aid or schemes): • •			
Aid for which a notification is outstanding (ad hoc aid or schemes) • •			
Total aid granted:			
Total cost of the investment project			

G.2. Impact of Community assistance on project implementation

For each affirmative answer, give details:

Will Community assistance:

a) accelerate implementation of the project?

Yes ☐ No ☐

b) be essential to implementation of the project?

Yes ☐ No ☐

H. FINANCING PLAN

The decision amount and other financial information in this section must be coherent with the basis (total or public cost) for the co-financing rate of the priority axis. Where private expenditure is not eligible for financing under the priority axis, it shall be excluded from the eligible costs; where private expenditure is eligible it may be included.

⁽¹⁵⁾ This application does not replace notification to the Commission under Article 88(3) of the Treaty. A positive decision by the Commission on the major project under Regulation (EC) 1083/2006 does not constitute state aid approval.

H.1. Cost breakdown

Euro

	Total Project costs (A)	Ineligible costs ⁽¹⁾ (B)	Eligible costs (C) = (A) – (B)
1. Planning/design fees			
2. Land purchase			
3. Building and construction			
4. Plant and machinery			
5. Contingencies ⁽²⁾			
6. Publicity			
7. Supervision during construction implementation			
8. Sub-Total			
9. (VAT ⁽³⁾)			
10. Total	(4)		

⁽¹⁾ Ineligible costs comprise (i) expenditure outside the eligibility period, (ii) expenditure ineligible under national rules (Article 56(4) of Regulation (EC) No 1083/2006), (iii) other expenditure not presented for co-financing. NB: The starting date for eligibility of expenditure is the date of receipt of the related draft Operational Programme by the Commission or 1 January 2007, whichever is the earlier.

⁽²⁾ Contingencies should not exceed 10 % of total investment cost net of contingencies. These contingencies may be included in the total costs used to calculate the financial contribution of the funds.

⁽³⁾ Where VAT is considered as eligible, give reasons.

⁽⁴⁾ Total cost must include all costs incurred for the project, from planning to supervision and must include VAT even if VAT is considered non eligible.

H.2. Total planned resources and planned contribution from the Funds

H.2.1. Community contribution calculation

	Value
1. Decision amount, i.e., the 'amount to which the co-financing rate for the priority axis applies' (Article 41(2) of Regulation (EC) No 1083/2006) (respecting the maximum public contribution according to state aid rules and the exclusion of ineligible expenditure)	
2. Co-financing rate of the priority axis (%)	
3. Community contribution (in euro) = (1)*(2)	

H.2.2. Sources of co-financing

In the light of the results of the grant calculation (H.2.1 consistent with the rules on state aid) the total investment costs of the project shall be met from the following sources:

Source of total investment costs (€)					Of which (For Information)
Total investment cost [H.1.10.(A)]	Community assistance [H.2.1.3]	National public (or equivalent)	National private	Other sources (specify)	EIB/EIF loans
(a) = (b) + (c) + (d) + (e)	(b)	(c)	(d)	(e)	(f)

H.2.3. *Expenditure already certified*

Have expenditure for this major project been already certified?

Yes ☐ No ☐

If yes, state the amount: EUR.

H.3. **Annual financing plan of Community contribution**

The Community contribution (H.2.1.3) shall be presented in terms of the share of annual programme commitment.

(in Euro)

	2007	2008	2009	2010	2011	2012	2013
[CF/ ERDF – specify]							

I. COMPATIBILITY WITH COMMUNITY POLICIES AND LAW

With regard to Article 9 (5) of Regulation (EC) No 1083/2006 provide the following information:

I.1. **Other Community financing sources**

- I.1.1. *Has an application been made for assistance from any other Community source (TEN-T Budget, LIFE+, R&D Framework Programme, other source of Community finance) for this project?*

Yes ☐ No ☐

If yes, please give details (financial instrument concerned, reference Nos, dates, amounts requested, amounts granted, etc.):

- I.1.2. *Is this project complementary to any project already financed or to be financed by the ERDF, ESF, Cohesion Fund, TEN-T Budget, other source of Community finance?*

Yes ☐ No ☐

If yes, give details (provide precise details, reference Nos, dates, amounts requested, amounts granted, etc.):

- I.1.3. *Has an application been made for loan or equity support from EIB / EIF for this project?*

Yes ☐ No ☐

If yes, please give details (financial instrument concerned, reference Nos, dates, amounts requested, amounts granted, etc.):

- I.1.4. *Has an application been made for assistance from any other Community source (including ERDF, ESF, Cohesion Fund, EIB, EIF, other sources of Community finance) for an earlier phase of this project (including feasibility and preparatory phases)?*

Yes ☐ No ☐

If yes, please give details (financial instrument concerned, reference Nos, dates, amounts requested, amounts granted, etc.):

I.2. **Is the project subject to a legal procedure for non-compliance with Community legislation?**

Yes ☐ No ☐

If yes, please give details:

I.3. **Publicity measures**

Give details of the proposed measures to publicise Community financial assistance (i.e. type of measure, brief description, estimated costs, duration, etc.):

I.4. **Involvement of JASPERS in project preparation**

I.4.1. *Has JASPERS technical assistance contributed to any part of the preparation of this project?*

Yes ☐ No ☐

I.4.2. *Describe the elements of the project where JASPERS had an input (e.g. environmental compliance, procurement, review of technical description).*

I.4.3. *What were the principal conclusions and recommendations of the JASPERS contribution and were these taken into account in the finalisation of the project?*

I.5. **Previous history of the recovery of assistance**

Has the benefiting undertaking previously been, or is it currently, the subject of a procedure ⁽¹⁶⁾ to recover Community assistance following the transfer of a productive activity within a Member State or toward another Member State?

Yes ☐ No ☐

J. **ENDORSEMENT OF COMPETENT NATIONAL AUTHORITY**

I confirm that the information presented in this form is accurate and correct.

Name:

Signature:

Organisation:

(Managing authority)

Date:

⁽¹⁶⁾ Under Article 57(3) of Regulation (EC) No 1083/2006.

Appendix I

DECLARATION BY AUTHORITY RESPONSIBLE FOR MONITORING
NATURA 2000 SITES

Responsible Authority

Having examined the project application

Which is to be located at

Declares that the project is not likely to have significant effects on a *NATURA 2000* site on the following grounds:

--

Therefore an appropriate assessment required by Article 6(3) was not deemed necessary.

A map at scale of 1:100 000 (or the nearest possible scale) is attached, indicating the location of the project as well as the *NATURA 2000* sites concerned, if any.

Date (dd/mm/yyyy):

Signed:

Name:

Position:

Organisation:

(Authority responsible for monitoring *NATURA 2000* sites)

Official Seal: *

