

Council Regulation (EC) No 1989/2006**of 21 December 2006****amending Annex III to Regulation (EC) No 1083/2006
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**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty of Accession of Bulgaria and Romania¹, and in particular Article 4(3) thereof,

Having regard to the Act of Accession of Bulgaria and Romania², and in particular Article 56 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Pursuant to Article 56 of the Act of Accession, where acts which remain valid beyond 1 January 2007, and require adaptation by reason of accession, and the necessary adaptations have not been provided for in the Act of Accession or its Annexes, the necessary acts shall be adopted by the Council, unless the Commission adopted the original act.
- (2) Council Regulation (EC) No 1083/2006³ defines the general rules governing the assistance of the European Regional Development Fund, the European Social Fund and the Cohesion Fund and their objectives. Pursuant to Article 53, Annex III to that Regulation establishes the ceilings applicable to co-financing rates in the operational programmes, by Member State and by objective, on the basis of objective criteria. Annex III to

¹ OJ L 157, 21.6.2005, p. 11.

² OJ L 157, 21.6.2005, p. 203.

³ OJ L 210, 31.7.2006, p. 25.

Regulation (EC) No 1083/2006 should be adapted in order to take into account the accession of Bulgaria and Romania to the European Union.

- (3) It is necessary to ensure that any technical adaptation to the Structural and Cohesion Funds legislation is adopted as soon as possible so as to allow Bulgaria and Romania to present programming documents as from the date of their accession to the European Union.
- (4) Regulation (EC) No 1083/2006 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EC) No 1083/2006 is replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force only subject to and on the date of the entry into force of the Treaty of Accession of Bulgaria and Romania.

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

Done at Brussels, 21 December 2006.

For the Council

The President

J. KORKEAOJA

ANNEX**"ANNEX III****Ceilings applicable to co-financing rates
(referred to in Article 53)**

| Criteria | Member States | ERDF and ESF Percentage of eligible expenditure | Cohesion Fund Percentage of eligible expenditure |
|--|---|--|--|
| (1) Member States whose average GDP per capita for the period 2001 to 2003 was below 85 % of the EU-25 average during the same period. | Bulgaria, Czech Republic, Estonia, Greece, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Portugal, Romania, Slovenia, Slovakia | 85 % for the Convergence and Regional competitiveness and employment objectives | 85 % |
| (2) Member States other than those under (1) eligible for the transitional regime of the Cohesion Fund on 1 January 2007. | Spain | 80 % for the Convergence and the phasing-in regions under the Regional competitiveness and employment objective 50 % for the Regional competitiveness and employment objective outside phasing-in regions | 85 % |

| Criteria | Member States | ERDF and ESF Percentage of eligible expenditure | Cohesion Fund Percentage of eligible expenditure |
|--|---|--|--|
| (3) Member States other than those referred to under (1) and (2). | Belgium, Denmark, Federal Republic of Germany, France, Ireland, Italy, Luxemburg, the Netherlands, Austria, Finland, Sweden and United Kingdom. | 75 % for the Convergence objective | - |
| (4) Member States other than those referred to under (1) and (2). | Belgium, Denmark, Federal Republic of Germany, France, Ireland, Italy, Luxemburg, the Netherlands, Austria, Finland, Sweden and United Kingdom. | 50 % for the Regional competitiveness and employment objective | - |
| (5) Outermost Regions referred to in Article 299(2) of the Treaty benefiting from the additional allocation for these regions provided for in paragraph 20 of Annex II | Spain, France and Portugal | 50 % | - |
| (6) Outermost Regions referred to in Article 299(2) of the Treaty | Spain, France and Portugal | 85 % under the Convergence and Regional competitiveness and employment objectives | - |