

15. REGIONAL POLICY AND COORDINATION OF STRUCTURAL INSTRUMENTS

1. 31994 R 1164: Council Regulation (EC) No 1164/94 of 16 May 1994 establishing a Cohesion Fund (OJ L 130, 25.5.1994, p. 1), as amended by:

- 31999 R 1264: Council Regulation (EC) No 1264/1999 of 21.6.1999 (OJ L 161, 26.6.1999, p. 57),
- 31999 R 1265: Council Regulation (EC) No 1265/1999 of 21.6.1999 (OJ L 161, 26.6.1999, p. 62).

(a) The following paragraphs are added to Article 2:

"5. From the date of accession until 31 December 2006 the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia shall also be eligible for assistance from the Fund.

6. For the purposes of applying this Regulation, GNP shall mean GNI for the year at market prices as provided by the Commission in application of the ESA 95 in accordance with Regulation (EC) No 2223/96."

(b) In Article 4, the third paragraph is replaced by the following:

"From 1 January 2000, total resources available for commitments for Greece, Spain, Portugal and Ireland in the period 2000 to 2006 should be EUR 18 billion at 1999 prices."

(c) In Article 4, the following paragraphs are inserted after the fourth paragraph:

"Total resources available for commitments for the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia in the period from the date of accession to 2006 should be EUR 7,5905 billion at 1999 prices.

Commitment appropriations for each year of that period should be:

- 2004: EUR 2,6168 billion
- 2005: EUR 2,1517 billion
- 2006: EUR 2,8220 billion".

- (d) The following subparagraph is added to Article 11(3):

"For the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, expenditure within the meaning of Article 7(1) shall be deemed eligible for assistance from the Fund only if incurred after 1 January 2004 and provided that all requirements of this Regulation have been fulfilled."

- (e) The following Article is added after Article 16:

"Article 16a

Specific provisions following the accession to the European Union of a new Member State which has benefited from pre-accession aid under the Instrument for Structural Policies for Pre-Accession (ISPA)

1. Measures which, on the date of accession of the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia and Slovakia, have been the subject of Commission decisions on assistance under Regulation (EC) No 1267/99 establishing an instrument for Structural Policies for Pre-accession * and the implementation of which has not been completed by that date shall be considered to have been approved by the Commission Regulation. Unless stated otherwise in paragraphs 2 to 5, the provisions governing the implementation of measures approved pursuant to this Regulation shall apply to these measures.

2. Any procurement procedure relating to a measure referred to in paragraph 1 which, on the date of accession, has already been the subject of an invitation to tender published in the Official Journal of the European Union shall be implemented in accordance with the rules laid down in that invitation to tender. The provisions contained in Article 165 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ** shall not apply.

Any procurement procedure relating to a measure referred to in paragraph 1 which has not yet been the subject of an invitation to tender published in the Official Journal of the European Union shall follow the rules and provisions referred to in Article 8.

3. The Commission may decide, in duly justified cases, on request from the Member State concerned and only in respect of the annual instalments still to be committed under the general budget, to modify the Community assistance to be granted, taking account of the criteria laid down in Article 7. The modification of the Community assistance shall not affect the part of the measure already covered by a loan signed with the EIB, the European Bank for Reconstruction and Development or another international financial institution.

Payments made by the Commission under a measure referred to in paragraph 1 shall be posted to the earliest open commitment made in first instance pursuant to Regulation (EC) No 1267/1999, and then pursuant to this Regulation.

4. For the measures referred to in paragraph 1, the rules governing the eligibility of expenditure pursuant to Regulation (EC) No 1267/1999 shall remain applicable, except in duly justified cases to be decided on by the Commission at the request of the Member State concerned.

5. The Commission may decide, in exceptional and duly justified cases, to authorise specific exemptions from the rules applicable pursuant to this Regulation for the measures referred to in paragraph 1.

* OJ L 161, 26.6.1999, p. 73; as amended.

** OJ L 248, 16.9.2002, p. 1."

(f) Annex I is replaced by the following:

"ANNEX I

Indicative allocation among the beneficiary Member States of the total resources of the Cohesion Fund, as referred to in the third paragraph of Article 4:

- Greece: 16% to 18% of the total
- Spain: 61% to 63,5% of the total
- Ireland: 2% to 6% of the total
- Portugal: 16% to 18% of the total.

Indicative allocation among the beneficiary Member States of the total resources of the Cohesion Fund, as referred to in the fifth paragraph of Article 4:

- Czech Republic: 9,76% to 12,28% of the total
- Estonia: 2,88% to 4,39% of the total
- Cyprus: 0,43% to 0,84% of the total
- Latvia: 5,07% to 7,08% of the total
- Lithuania: 6,15% to 8,17% of the total
- Hungary: 11,58% to 14,61% of the total
- Malta: 0,16% to 0,36% of the total
- Poland: 45,65% to 52,72% of the total
- Slovenia: 1,72% to 2,73% of the total
- Slovakia: 5,71% to 7,72% of the total."

2. 31999 R 1260: Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds (OJ L 161, 26.6.1999, p. 1), as amended by:

– 32001 R 1447: Council Regulation (EC) No 1447/2001 of 28.6.2001 (OJ L 198, 21.7.2001, p. 1).

(a) The following subparagraph is inserted after the first subparagraph of Article 3(1):

"For the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, the regions covered by Objective 1 shall be regions corresponding to NUTS level II whose per capita GDP, measured in purchasing power parities and calculated on the basis of Community figures for the years 1997-1998-1999, is less than 75% of the Community average at the time of conclusion of the accession negotiations."

(b) Article 3(2) is replaced by the following:

"2. The Commission shall draw up the list of regions covered by Objective 1 strictly in accordance with the first and second subparagraphs of paragraph 1, without prejudice to Article 6(1) and Article 7(4), second subparagraph.

This list shall be valid for seven years from 1 January 2000. For the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia this list shall be valid from the date of accession until 31 December 2006."

- (c) The following sentence is inserted after point (c) in Article 4(2):

"For the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, the population ceiling for Objective 2 support shall be 31% of the population of all NUTS II regions covered by Objective 2 in each of these countries.".

- (d) The following subparagraph is added to Article 4(11):

"For the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia the list of areas shall be valid from the date of accession until 31 December 2006.".

- (e) Article 7(1) is replaced by the following:

"1. The resources available for commitment from the Funds for Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Austria, Portugal, Finland, Sweden and the United Kingdom for the period 2000 to 2006 shall be EUR 195 billion at 1999 prices.

The annual breakdown of those resources is shown in Annex I.

For the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia the resources available for commitment from the Funds for the period from the date of accession to 2006 shall be EUR 14,1559 billion at 1999 prices.

The annual breakdown of those resources is shown in Annex II."

- (f) The following subparagraph is inserted after the fourth subparagraph of Article 7(2):

"By way of derogation from the second, third and fourth subparagraphs, for the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia the breakdown of budgetary resources between objectives shall be as follows:

- 93,49% of the Structural Funds will be allocated to Objective 1 (i.e. a total of EUR 13,2343 billion);
- 0,86% of the Structural Funds will be allocated to Objective 2 (i.e. a total of EUR 0,1212 billion);
- 0,79% of the Structural Funds will be allocated to Objective 3 (i.e. a total of EUR 0,1116 billion)."

- (g) The second subparagraph of Article 7(3) is replaced by the following:

"For Objective 3, the breakdown by Member State shall be based principally on the eligible population, the employment situation and the severity of the problems, such as social exclusion (insofar as data are available for the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia), education and training levels, and participation of women in the labour market."

- (h) Article 7(6) is replaced by the following:

"6. For the period referred to in paragraph 1, first subparagraph, 5,35% of the commitment appropriations for the Structural Funds referred to in paragraph 1, first and second subparagraphs, shall be devoted to funding the Community initiatives.

0,65% of the commitment appropriations referred to in paragraph 1, first and second subparagraphs, shall be devoted to funding innovative measures and technical assistance as defined in Articles 22 and 23.

For the period referred to in paragraph 1, third subparagraph, 4,58% of the commitment appropriations for the Structural Funds referred to in paragraph 1, third and fourth subparagraphs, shall be devoted to funding the Community initiatives Interreg and EQUAL. The Community initiatives Leader+ and URBAN shall not be implemented in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia during this period.

0,27% of the commitment appropriations referred to in paragraph 1, third and fourth subparagraphs, shall be devoted to funding technical assistance as defined in Article 23. Innovative actions, as defined in Article 22, shall not be implemented in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia during this period."

- (i) The following subparagraph is inserted after the fourth subparagraph of Article 11(2):

"For the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, as a general rule, the level of expenditure referred to in the first and second subparagraphs shall be at least equal to the amount of average annual expenditure in real terms achieved in the reference period established in close cooperation with the Commission and shall be determined in the light of the general macroeconomic circumstances in which the funding takes place, although account should be taken of certain specific economic situations, namely privatisations, an exceptional level of public structural effort or equivalent effort on the part of the Member State during the previous period and national economic trends."

- (j) The following sentence is added to the second subparagraph of Article 14(1):

"For the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, the programming period shall begin on the date of accession and shall cover the period from the date of accession until 31 December 2006."

- (k) In Article 20(1), the introductory phrase is replaced by the following:

"Without prejudice to the provisions of Article 7(6), the Community initiatives shall cover the following fields:".

- (l) Article 22(1), first subparagraph, is replaced by the following:

"Without prejudice to the provisions of Article 7(6), at the initiative of the Commission and following consultation of the committees referred to in Articles 48 to 51 on the guidelines for the various types of innovative actions, subject to a ceiling of 0,40% of their respective annual funding, the Funds may finance innovative actions at Community level. These shall include studies, pilot projects and exchanges of experience.".

- (m) In Article 23, the following sentence is inserted after the first sentence:

"For the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, the ceiling for such measures is fixed at 0,27% of the respective annual allocation of each Fund allocated to these ten Member States.".

- (n) The following subparagraph is inserted after the first subparagraph of Article 32(2):

"For the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, this payment on account shall be 16% of the contribution from the Funds to the assistance in question. It will be subdivided over two budget years: 10% in the first year, 6% in the following year.".

- (o) The following subparagraph is added to Article 52(4):

"Notwithstanding the date specified in Article 30(2), expenditure actually paid, in respect of which the Commission has received an application for assistance from the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia or Slovakia before the date of accession and which fulfils all the conditions laid down in this Regulation, may be regarded as eligible for a contribution from the Funds as of 1 January 2004."

- (p) In the Annex the heading "Annex" is replaced by the heading "Annex I".

- (q) The following Annex is inserted:

"ANNEX II
STRUCTURAL FUNDS

Annual breakdown of commitment appropriations for the period
from the date of accession to 2006 for the Czech Republic, Estonia, Cyprus,
Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia
(referred to in Article 7(1))

(EUR million – 1999 prices)

2004	2005	2006
3 453,5	4 754,7	5 947,6

"

3. 31999 D 0500: Commission Decision 1999/500/EC of 1 July 1999 fixing an indicative allocation by Member State of the commitment appropriations under the financial instrument for fisheries guidance (FIFG) outside the Objective 1 regions of the Structural Funds for the period 2000 to 2006 (OJ L 194, 27.7.1999, p. 47).

(a) The following paragraph is added to Article 1:

"For the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia the indicative amounts cover the period from the date of accession to 2006."

(b) The following is added to the Annex:

"Indicative allocation by Member State of the commitment appropriations
under the financial instrument for fisheries guidance
outside the Objective 1 regions of the Structural Funds
for the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary,
Malta, Poland, Slovenia and Slovakia
for the period from the date of accession to 2006

(EUR million (1999 prices))

Member State	Amount of appropriations
Czech Republic	—
Estonia	—
Cyprus	3,0
Latvia	—
Lithuania	—
Hungary	—
Malta	—
Poland	—
Slovenia	—
Slovakia	—
Total	3,0

"

4. 31999 D 0501: Commission Decision 1999/501/EC of 1 July 1999 fixing an indicative allocation by Member State of the commitment appropriations for Objective 1 of the Structural Funds for the period 2000 to 2006 (OJ L 194, 27.7.1999, p. 49).

(a) The following paragraph is added to Article 1:

"For the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia the indicative amounts cover the period from the date of accession to 2006."

(b) The following is added to Annex I:

"Indicative allocation by Member State of the commitment appropriations
for Objective 1 of the Structural Funds
for the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary,
Malta, Poland, Slovenia and Slovakia
for the period from the date of accession to 2006

(EUR million (1999 prices))

Member State	Amount of appropriations
	Regions eligible under Objective 1
Czech Republic	1 286,4
Estonia	328,6
Cyprus	—
Latvia	554,2
Lithuania	792,1
Hungary	1 765,4
Malta	55,9
Poland	7 320,7
Slovenia	210,1
Slovakia	920,9
Total	13 234,3

"

5. 31999 D 0502: Commission Decision 1999/502/EC of 1 July 1999 drawing up the list of regions covered by Objective 1 of the Structural Funds for the period 2000 to 2006 (OJ L 194, 27.7.1999, p. 53).

(a) The following paragraph is added to Article 1:

"For the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia this list shall be valid from the date of accession until 31 December 2006."

(b) In Annex I, the following is inserted before the entries for Germany:

"Czech Republic ²
Střední Čechy
Jihozápad
Severozápad
Severovýchod
Jihovýchod
Střední Morava
Moravskoslezsko"

and, between the entries for Germany and Greece:

"Estonia ²
Eesti"

and, between the entries for Italy and Austria:

"Latvia ²

Latvija

Lithuania ²

Lietuva

Hungary ²

Közép-Magyarország

Közép-Dunántúl

Nyugat-Dunántúl

Dél-Dunántúl

Észak-Magyarország

Észak-Alföld

Dél-Alföld

Malta ²

Malta"

and, between the entries for Austria and Portugal:

"Poland ²

Dolnośląskie

Kujawsko-Pomorskie

Lubelskie

Lubuskie

Łódzkie

Małopolskie

Mazowieckie

Opolskie
Podkarpackie
Podlaskie
Pomorskie
Śląskie
Świętokrzyskie
Warmińsko-Mazurskie
Wielkopolskie
Zachodniopomorskie"

and, between the entries for Portugal and Finland:

"Slovenia ²
Slovenija
Slovakia ²
Západné Slovensko
Stredné Slovensko
Východné Slovensko

² List valid from the date of accession until 31 December 2006."

6. 31999 D 0503: Commission Decision 1999/503/EC of 1 July 1999 establishing a population ceiling for each Member State under Objective 2 of the Structural Funds for the period 2000 to 2006 (OJ L 194, 27.7.1999, p. 58).

(a) The following paragraph is added to Article 1:

"For the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia the period concerned shall run from the date of accession to 2006."

(b) The Annex is replaced by the following:

"ANNEX

establishing a population ceiling for each Member State
under Objective 2 of the Structural Funds for the period 2000 to 2006

Member State	Population ceiling (1 000 population)
Belgium	1 269
Czech Republic	370 (*)
Denmark	538
Germany	10 296
Estonia	— (*)
Greece	—
Spain	8 809
France	18 768
Ireland	—
Italy	7 402
Cyprus	213 (*)
Latvia	— (*)
Lithuania	— (*)
Luxembourg	118
Hungary	— (*)
Malta	— (*)
Netherlands	2 333
Austria	1 995
Poland	— (*)
Portugal	—
Slovenia	— (*)
Slovakia	192 (*)
Finland	1 582
Sweden	1 223
United Kingdom	13 836

(*) For the period from the date of accession to 2006."

7. 31999 D 0504: Commission Decision 1999/504/EC of 1 July 1999 fixing an indicative allocation by Member State of the commitment appropriations for Objective 2 of the Structural Funds for the period 2000 to 2006 (OJ L 194, 27.7.1999, p. 60).

(a) The following paragraph is added to Article 1:

"For the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia the indicative amounts cover the period from the date of accession to 2006.".

(b) The following is added to Annex I:

"Indicative allocation by Member State of the commitment appropriations
for Objective 2 of the Structural Funds
for the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary,
Malta, Poland, Slovenia and Slovakia
for the period from the date of accession to 2006

(EUR million (1999 prices))

Member State	Appropriations
Czech Republic	63,3
Estonia	—
Cyprus	24,9
Latvia	—
Lithuania	—
Hungary	—
Malta	—
Poland	—
Slovenia	—
Slovakia	33,0
Total	121,2

"

8. 31999 D 0505: Commission Decision 1999/505/EC of 1 July 1999 fixing an indicative allocation by Member State of the commitment appropriations for Objective 3 of the Structural Funds for the period 2000 to 2006 (OJ L 194, 27.7.1999, p. 63).

(a) The following paragraph is added to Article 1:

"For the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia the indicative amounts cover the period from the date of accession to 2006.".

(b) The following is added to the Annex:

"Indicative allocation by Member State of the commitment appropriations
for Objective 3 of the Structural Funds
for the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary,
Malta, Poland, Slovenia and Slovakia
for the period from the date of accession to 2006

(EUR million (1999 prices))

Member State	Appropriations
Czech Republic	52,2
Estonia	—
Cyprus	19,5
Latvia	—
Lithuania	—
Hungary	—
Malta	—
Poland	—
Slovenia	—
Slovakia	39,9
Total	111,6

"

9. Commission Decision of 12 May 2000 fixing an indicative allocation by Member State of the commitment appropriations for the Community initiative EQUAL for the period 2000 to 2006 (C(2000) 1221).

(a) The following paragraph is added to Article 1:

"For the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia the indicative amounts cover the period from the date of accession to 2006."

(b) The following is added to the Annex:

"Indicative allocation by Member State of the commitment appropriations
for the Community initiative EQUAL
for the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary,
Malta, Poland, Slovenia and Slovakia
for the period from the date of accession to 2006

(EUR million (1999 prices))

Member State	Amount of appropriations
Czech Republic	28,4
Estonia	3,6
Cyprus	1,6
Latvia	7,1
Lithuania	10,5
Hungary	26,8
Malta	1,1
Poland	118,5
Slovenia	5,7
Slovakia	19,7
Total	223,0

"

10. Commission Decision of 11 July 2000 fixing an indicative allocation by Member State of the commitment appropriations for the Community initiative Interreg for the period 2000 to 2006 (C(2000) 1223).

(a) The following paragraph is added to Article 1:

"For the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia the indicative amounts cover the period from the date of accession to 2006."

(b) The following is added to the Annex:

"Indicative allocation by Member State of the commitment appropriations
for the Community initiative Interreg
for the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary,
Malta, Poland, Slovenia and Slovakia
for the period from the date of accession to 2006

(EUR million (1999 prices))

Member State	Amount of appropriations
Czech Republic	60,9
Estonia	9,4
Cyprus	3,8
Latvia	13,5
Lithuania	19,9
Hungary	60,9
Malta	2,1
Poland	196,1
Slovenia	21,0
Slovakia	36,8
Total	424,4

"