



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19/IX/2008
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NOT FOR PUBLICATION

COMMISSION DECISION

of 19/IX/2008

adopting the operational programme "France – England – Flanders – Netherlands: Two Seas 2007-2013" for Community structural assistance from the European Regional Development Fund under the European territorial cooperation objective in France, the United Kingdom, Belgium and the Netherlands

CCI 2007CB163PO038

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(Only the French, ENGLISH and dutch texts are authentic)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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 repealing Regulation (EC) No 1260/1999¹, and in particular Article 32(5) thereof,

Whereas:

- (1) On 19 November 2007, France on behalf of France, the United Kingdom, Belgium and the Netherlands submitted to the Commission a proposal for an operational programme for cross-border cooperation called "France – England – Flanders – Netherlands: Two Seas 2007-2013" in those Member States. At the request of the Commission, France submitted additional information on 26 May 2008.
- (2) The operational programme has been drawn up by the Member States participating in the programme within the framework of the partnership referred to in Article 11 of Regulation (EC) No 1083/2006.
- (3) The Commission has appraised the proposed operational programme and considers that it contributes to the achievement of the objectives set out in Council Decision 2006/702/EC of 6 October 2006 on Community strategic guidelines on cohesion² and the objectives of the relevant national strategic reference frameworks.
- (4) Pursuant to Article 12(2) of Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development

¹ OJ L 210, 31.7.2006, p. 25.

² OJ L 291, 8.10.2006, p. 11.

Fund and repealing Regulation (EC) No 1783/1999³, the operational programme contains a list of areas within the programme area. The list of areas under the operational programme are covered as eligible by Annex I of Commission Decision 2006/769/EC of 31 October 2006 drawing up the list of regions and areas eligible for funding from the European Regional Development Fund under the cross-border and transnational strands of the European territorial cooperation objective for the period 2007 to 2013⁴.

- (5) Pursuant to Article 12(2) of Regulation (EC) No 1080/2006, in addition to the list of eligible areas, the operational programme contains a list of NUTS level 3 areas adjacent to these eligible areas, as referred to in Article 21(1) of that Regulation; it is necessary to establish the list of those flexibility areas, which have been duly justified.
- (6) The proposal for an operational programme contains all the components referred to in Article 12 of Regulation (EC) No 1080/2006, with the exception of an indicative list of major projects referred to under paragraph 9 of that Article, as it is not expected that major projects will be submitted under this operational programme. In particular the proposal designates a single managing authority, a single certifying authority, a single audit authority and a joint technical secretariat.
- (7) It is appropriate to fix the maximum rate and the maximum amount of the contribution from the Funds for the operational programme and each priority axis, as referred to in Article 53(6) of Regulation (EC) No 1083/2006.
- (8) Aid granted under the operational programme should comply with the State aid rules that are in force and any other applicable provision of Community law.
- (9) The proposed operational programme should therefore be adopted,

HAS ADOPTED THIS DECISION:

Article 1

The operational programme "France – England – Flanders – Netherlands: Two Seas 2007-2013" for Community structural assistance under the European territorial cooperation objective in France, the United Kingdom, Belgium and the Netherlands for the programming period 1 January 2007 to 31 December 2013 as set out in Annex I and containing the following priority axes is hereby adopted:

1. "Supporting an economically competitive, attractive and accessible area";
2. "Promoting and enhancing a safe and healthy environment ";
3. "Improving quality of life";
4. "Common priority with the France (Channel) - England programme"; and

³ OJ L 210, 31.7.2006, p. 1.

⁴ OJ L 312, 11.11.2006, p. 47.

5. "Technical assistance".

Article 2

Expenditure actually paid under the operational programme shall be eligible from 1 January 2007.

Article 3

1. The programme referred to in Article 1 covers the following NUTS III eligible areas:
 - in France: Nord and Pas-de-Calais,
 - in the United Kingdom: Norfolk, Suffolk, Southend-on-Sea, Thurrock, Essex CC, Brighton and Hove, East Sussex CC, West Sussex, Portsmouth, Southampton, Hampshire CC, Isle of Wight, Medway, Kent CC, Bournemouth and Poole, Dorset CC, Cornwall and Isles of Scilly, Plymouth, Torbay et Devon CC,
 - in Belgium: Antwerpen, Brugge, Oostende, Veurne, Eeklo, Gent and Sint-Niklaas and
 - in the Netherlands: Delft en Westland, Groot-Rijnmond, Zeeuwsch-Vlaanderen, Overig Zeeland and West-Noord-Brabant.
2. Notwithstanding paragraph 1, expenditure incurred in implementing operations or parts of operations up to a limit of 20 % of the amount of the European Regional Development Fund (ERDF) contribution to this operational programme may be financed in the following NUTS III areas:
 - in France: Somme and Aisne,
 - in the United Kingdom: Somerset, Wiltshire CC, Surrey et Cambridgeshire CC,
 - in Belgium: Diksmuide, Ieper, Kortrijk, Roeselare, Tielt, Aalst, Dendermonde, Oudenaarde, Mechelen, and Turnhout, and
 - in the Netherlands: Zuid-Oost Zuid-Holland.
3. Notwithstanding paragraphs 1 and 2 the following NUTS III areas in France are also eligible to the priority axe 4 – "Common priority with the France (Channel) – England programme": Oise, Seine-Maritime, Eure, Calvados, Orne, Manche, Ille-et-Vilaine, Côtes-d'Armor, Morbihan and Finistère.
4. Expenditure incurred for implementing operations or parts of operations, including those for priority axe 4 – "Common priority with the France (Channel) – England programme"

- in the zones referred to in paragraph 2, with the exception of the NUTS III area Somme in France,

and in the following NUTS III areas in

- France - Oise, Eure, Orne et Morbihan -

can be financed up to the limit of 20% of the total contribution of ERDF for this programme as well as the contribution of ERDF for the programme "France (Channel) – England 2007-2013" (CCI 2007CB163OP040), which is EUR 68.091.206.

Article 4

1. The maximum amount of assistance from the ERDF granted under the operational programme, as calculated with reference to the total public and private eligible expenditure, is set at EUR 167,000,183 and the maximum co-financing rate is set at 56.60 %.
2. The national counterpart of EUR 128,068,067 may be partly met by Community loans from the European Investment Bank and other lending instruments; however, for the time being, such loans are not foreseen.
3. Within the operational programme referred to in paragraph 1 the maximum amount for assistance and the maximum co-financing rate for each priority axis shall be as set out in the second, third, fourth, fifth and sixth subparagraphs of this paragraph.

The maximum co-financing rate for priority axis "Supporting an economically competitive, attractive and accessible area" is set at 55 % and the maximum amount for assistance from the ERDF to that priority axis, as calculated with reference to the total public and private eligible expenditure, is set at EUR 58,991,540.

The maximum co-financing rate for priority axis "Promoting and enhancing a safe and healthy environment" is set at 55 % and the maximum amount for assistance from the ERDF to that priority axis, as calculated with reference to the total public and private eligible expenditure, is set at EUR 40,798,529.

The maximum co-financing rate for priority axis "Improving quality of life" is set at 60 % and the maximum amount for assistance from the ERDF to that priority axis, as calculated with reference to the total public and private eligible expenditure is set at EUR 44,807,419.

The maximum co-financing rate for priority axis "Common priority with the France (Channel) - England programme " is set at 55 % and the maximum amount for assistance from the ERDF to that priority axis, as calculated with reference to the total public and private eligible expenditure, is set at EUR 12,630,429.

The maximum co-financing rate for priority axis "Technical assistance" is set at 61.12 % and the maximum amount for assistance from the ERDF to that priority axis, as calculated with reference to the total public eligible expenditure, is set at EUR 9,772,266.

4. The corresponding financing plan is set out in Annex II.

Article 5

Any public support under the operational programme shall comply with the procedural and substantive State aid rules applicable at the time when the public support is granted.

Article 6

This Decision is addressed to the Kingdom of Belgium, the French Republic, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 19/IX/2008

For the Commission
Danuta Hübner
Member of the Commission

CERTIFIED COPY
For the Secretary - General

Jordi AYET PUIGARNAU
Director of the Registry

ANNEX I

Operational programme "France – England – Flanders – Netherlands: Two Seas 2007-2013"

ANNEX II

Financing plan for the operational programme "France – England – Flanders – Netherlands:
Two Seas 2007-2013"