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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels,  
C(2008)

NOT FOR PUBLICATION

**COMMISSION DECISION**

**C(2008)739 of 27/02/2008**

**adopting the “Slovenia-Croatia IPA Cross-border programme” for Community assistance from the Instrument for pre-Accession Assistance for the Cross-border Co-operation component**

**CCI 2007CB16IPO002**

(ONLY THE SLOVENIAN TEXT IS AUTHENTIC)

## COMMISSION DECISION

**C(2008)739 of 27/02/2008**

**adopting the “Slovenia-Croatia IPA Cross-border programme” for Community assistance from the Instrument for pre-Accession Assistance for the Cross-border Co-operation component**

**CCI 2007CB16IPO002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1085/2006 establishing an Instrument for Pre-Accession Assistance (IPA)<sup>1</sup>, and in particular Article 14(2)(a) thereof,

Whereas:

- (1) Regulation (EC) No 1085/2006 lays down the objectives and main principles for pre-accession assistance to candidate and potential candidate countries for the period 2007 to 2013.
- (2) In accordance with Article 91(1) of Commission Regulation (EC) No 718/2007 implementing Council Regulation No 1085/2006<sup>2</sup>, the assistance under the Cross-border cooperation component should be implemented through multi-annual operational programmes, pursuant to Article 91(1) of that Regulation called “cross-border programmes”.
- (3) These programmes should be drawn up in accordance with the general policy framework referred to in Article 4 of Regulation (EC) No 1085/2006, the applicable multi-annual indicative financial framework referred to in Article 5 of that Regulation and the relevant multi-annual indicative planning documents referred to in Article 6 of that Regulation.
- (4) The Council has established an Accession Partnership for Croatia<sup>3</sup>.
- (5) The Commission has adopted on 8 November 2006 the multi-annual indicative financial framework for 2008 to 2010<sup>4</sup>, confirming the 2007 figures.
- (6) The Commission has adopted the multi-annual indicative planning documents for Croatia (on 20 June 2007) which present the main priorities for pre-accession assistance to this country<sup>5</sup>.

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<sup>1</sup> OJ L 210, 31.7.2006, p. 82.

<sup>2</sup> OJ L 170, 19.6.2007, p. 1.

<sup>3</sup> Council Decision 2006/145/EC of 20 February 2006, OJ L 55, 25.2.2006, p. 30.

<sup>4</sup> COM(2006)672 of 8 November 2006

- (7) On 5 September 2007, Slovenia on behalf of Slovenia and Croatia submitted to the Commission a proposal for a multi-annual cross-border programme called “IPA Cross-border Co-operation Slovenia-Croatia Operational Programme 2007-2013”. At the request of the Commission, Slovenia submitted additional information on 27 November 2007.
- (8) Pursuant to Article 91(3) of Regulation (EC) No 718/2007, the cross-border programme has been drawn up by the participating countries within the framework of the partnership referred to in Article 11 of Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions of the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1996.
- (9) The proposal for a cross-border programme contains all the components referred to in Article 94 of Regulation (EC) No 718/2007 and is consistent with all the relevant documents referred to in Recitals 3 to 6. The draft cross-border programme contains, in particular, a description of the chosen co-operation strategy and the priorities and measures chosen for assistance as well as the designation of a single managing authority, a single certifying authority, a single audit authority and a joint technical secretariat.
- (10) Furthermore the proposal contains a single financing plan, specifying for each year covered by the applicable multi-annual indicative financial framework and for each priority axis, the amount of the Community contribution and its rate, as well as the amount financed by the national public counterparts.
- (11) Pursuant to Article 94(1) (a) of Regulation (EC) No 718/2007, the cross-border programme contains a list of the eligible areas covered by the programme. The areas under the cross-border programme are covered as eligible by Annex I (Member State) and Annex II (beneficiary country) of Commission Decision 2007/766/EC of 14 November 2007 drawing up the list of regions and areas eligible for financing under the Cross-border Cooperation Component of the Instrument for Pre-accession Assistance for the purpose of cross-border cooperation between Member States and beneficiary countries for the period 2007 to 2013<sup>7</sup>.
- (12) Pursuant to Article 94(1) (a) of Regulation (EC) No 718/2007, in addition to the list of eligible areas, the cross-border programme contains a list of NUTS level 3 areas, or equivalent, adjacent to these eligible areas, as referred to in Article 97 of that Regulation; it is necessary to establish the list of those flexibility areas, which have been duly justified.
- (13) It is appropriate to set the maximum indicative amount of the Community contribution to the cross-border programme and the subsequent maximum rate for each priority axis, as referred to in Article 38(2) of Regulation (EC) No 718/2007.

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<sup>5</sup> C(2007)2566 of 20 June 2007.

<sup>6</sup> OJ L 210, 31.7.2006, p. 25. Regulation as amended by Council Regulation (EC) No 1989/2006 (OJ L 411, 30.12.2006, p.6).

<sup>7</sup> OJ L 310, 28.11.2007, p. 15.

- (14) Pursuant to Article 99 of Regulation (EC) No 718/2007 the implementing modalities vary in function of the readiness of the participating countries to implement the whole cross-border programme through shared management, it is appropriate to clarify the set of rules applicable to the present cross-border programme.
- (15) Aid granted under the cross-border programme should comply with the applicable ceilings on State aid to enterprises in the meaning of Article 87 of the Treaty and with any other applicable provision of Community law.
- (16) In accordance with Article 8(1) of Regulation (EC) No 718/2007 this decision meets the requirements of Article 90 of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation No 1605/2002<sup>8</sup> and constitutes thus a financing decision within the meaning of Article 75 (2) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>9</sup>.
- (17) The measures provided for by this Decision are in accordance with the opinion of the IPA Committee.
- (18) The proposed cross-border programme should therefore be adopted,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The cross-border programme “Slovenia – Croatia IPA cross-border programme” for Community assistance under the IPA cross-border co-operation component in Slovenia and Croatia as set out in Annex I and containing the following priority axes is hereby adopted:

- (1) “Economic and social development”;
- (2) “Sustainable management of natural resources”; and
- (3) “Technical assistance”.

#### *Article 2*

1. The programme referred to in Article 1 covers the following eligible areas:
  - Pomurska, Podravska, Savinjska, Spodnje Posavska, Jugovzhodna Slovenija, Notranjsko-kraška and Obalno-kraška in Slovenia and
  - Međimurje, Varaždin, Krapina-Zagorje, Zagreb, Karlovac, Primorje-Gorski kotar and Istria in Croatia.

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<sup>8</sup> OJ L 357, 31.12.2002, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 478/2007 (OJ L 111, 28.4.2007, p. 13).

<sup>9</sup> OJ L 248, 16.9.2002, p.1. Regulation as amended by Regulation (EC, Euratom) No 1995/2006 (OJ L 390, 30.12.2006, p.1).

2. Notwithstanding paragraph 1, expenditure incurred in implementing operations or parts of operations up to a limit of 20 % of the amount of the EU contribution to this operational programme may be financed in the following areas:
  - Osrednjeslovenska in Slovenia and
  - City of Zagreb in Croatia.

### *Article 3*

1. The maximum amount of assistance granted under the IPA cross-border programme, as calculated with reference to the public eligible expenditure, is set at EUR 15,724,620.

In the budget year 2007, a maximum amount of EUR 3,436,312 may be committed on budget line 13 05 03.

In the budget year 2008, a maximum amount of EUR 5,870,938 may be committed on budget line 13 05 03.

In the budget year 2009, a maximum amount of EUR 6,417,370 may be committed on budget line 13 05 03.

2. The national counterpart of EUR 2.774.935 may be partly met by Community loans from the European Investment Bank and other lending instruments.
3. The total amount of the Community assistance and the resulting co-financing rate for each priority axis under the cross-border programme shall be as set out in the second, third and fourth subparagraphs of this paragraph.

The total amount of the Community contribution for priority axis “Economic and social development” is set at EUR 7,862,310 and the resulting co-financing rate is set at 85%.

The total amount of the Community contribution for priority axis “Sustainable management of natural resources” is set at EUR 6,289,848 and the resulting co-financing rate is set at 85%.

The total amount of the Community contribution for priority axis “Technical Assistance” is set at EUR 1,572,462 and the resulting co-financing rate is set at 85%.

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

### *Article 4*

The present decision will be implemented by means of a multi-annual Financing Agreement to be concluded between the Commission and the Government of Croatia. This Financing Agreement shall cover the elements set out in Article 8(4) of Regulation (EC) No 718/2007, without specifying the share of Croatia in the assistance of the Community granted from the IPA under this cross-border programme, and shall cover the years 2007 to 2009.

*Article 5*

Any public support under the cross-border programme shall comply with the procedural and substantive State aid rules applicable at the time when the public support is granted and in accordance with Article 90(6) of Regulation (EC) No 718/2007.

*Article 6*

This Decision is addressed to the Republic of Slovenia.

Done at Brussels, [...]

*For the Commission  
Danuta Hübner  
Member of the Commission*

**ANNEX I**

"Slovenia – Croatia IPA cross-border programme"



## ANNEX II

Financing plan of the “Slovenia – Croatia IPA cross-border programme”

Table 1: Financing plan of the programme giving the annual commitment of IPA funds

	<b>IPA funds (in euros)</b>
2007	<b>3.436.312</b>
2008	<b>5.870.938</b>
2009	<b>6.417.370</b>
Total	<b>15.724.620</b>

Table 2: Financial plan of the operational programme giving the amount of the allocation of IPA funds in the programme, the national public and private contributions and the rate of reimbursement by priority for the whole programming period

*Priority by source of funding (in euros)*

IPA Cross-border Co-operation Operational Programme Slovenia-Croatia 2007-2013						For information	
The basis for calculations is public expenditure.							
	Community funding (a)	National public funding (b)	National private funding (c)	Total funding (d) = (a)+(b)+(c)	Co-financing rate (e) = (a)/(d)	EIB contributions	Other funding
<b>1. Priority: Economic and Social Development</b>	7.862.310	1.387.467		9.249.777	<b>85%</b>		
<b>2. Priority: Sustainable management of natural resources</b>	6.289.848	1.109.974		7.399.822	<b>85%</b>		
<b>3. Priority: Technical assistance</b>	1.572.462	277.494		1.849.956	<b>85%</b>		
<b>Total</b>	<b>15.724.620</b>	<b>2.774.935</b>		<b>18.499.555</b>	<b>85%</b>		