

Commission Regulation (EC) No 1831/94 of 26 July 1994 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the Cohesion Fund and the organization of an information system in this field (repealed)

COMMISSION REGULATION (EC) No 1831/94

of 26 July 1994

concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the Cohesion Fund and the organization of an information system in this field (repealed)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1164/94 of 16 May 1994 establishing the Cohesion Fund<sup>(1)</sup> and in particular Article 12 (5) thereof,

Whereas Article 12 of Regulation (EC) No 1164/94 lays down the principles governing, within the Community, the campaign against irregularities and the recovery of sums lost as a result of abuse or negligence in the field of the Cohesion Fund;

Whereas the rules set out in this Regulation must relate to all eligible measures provided for in Article 3 of Regulation (EC) No 1164/94;

Whereas this Regulation governing only some aspects of beneficiary Member States' obligations pursuant to Article 12 (2) of Regulation (EC) No 1164/94 and consequently should not impinge on any other obligations pursuant to that Article;

Whereas, in order for the Community to be better informed of the measures taken by the beneficiary Member States to combat irregularities, the national provisions to be communicated to the Commission should be specified;

Whereas, with a view to ascertaining the nature of irregular practices and the financial effects of irregularities and to recovering sums wrongly paid, provision should be made for any irregularities detected to be reported to the Commission every quarter; whereas in addition to such reports information must also be provided on the progress of judicial or administrative procedures;

Whereas the Commission should be systematically informed of judicial and administrative procedures against persons who have committed irregularities; whereas it would also be advisable to ensure the systematic transmission of information concerning the measures taken by the Member States to protect the Community's financial interests;

Whereas it is appropriate to determine the procedures to be applied by the Member States and the Commission in cases where the sums lost through an irregularity prove to be irrecoverable;

Whereas a minimum threshold should be set, above which cases of irregularity must automatically be reported to the Commission by the beneficiary Member States;

---

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EC) No 1831/94 (repealed), Introductory Text. (See end of Document for details)

---

Whereas national rules relating to criminal proceedings or mutual assistance between Member States at judicial level in criminal matters should not be affected by the provisions of this Regulation;

Whereas it is advisable to provide for the possibility of the Community's making a contribution to legal costs and to costs arising directly out of judicial proceedings;

Whereas, in order to prevent irregularities, cooperation between the Member States and the Commission should be reinforced whilst every effort should be made to ensure that such action is conducted with due regard to the rules of confidentiality;

Whereas it should be further laid down that the provisions of this Regulation are also to apply wherever a payment which should have been made in the context of the Cohesion Fund has not been made owing to an irregularity,

HAS ADOPTED THIS REGULATION:

---

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EC) No 1831/94 (repealed), Introductory Text. (See end of Document for details)

---

(1) [OJ No L 130, 25. 5. 1994, p. 1.](#)

**Status:**

Point in time view as at 01/01/2006.

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Regulation (EC) No 1831/94 (repealed), Introductory Text.