

Commission Regulation (EC) No 817/2004 of 29 April 2004 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) (repealed)

CHAPTER II

GENERAL RULES AND ADMINISTRATIVE AND FINANCIAL PROVISIONS

SECTION 2

Programming

Article 47

The rural development plans under Chapter II of Title III of Regulation (EC) No 1257/1999 shall be submitted in accordance with Annex II to this Regulation.

Article 48

1 The approval of programming documents referred to in Article 44(2) of Regulation (EC) No 1257/1999 shall determine the overall amount of Community support. If Member States opt for regionalised rural development programming, that overall amount may be the subject of a separate decision containing a consolidated financial table for all the rural development programmes of the Member State concerned.

That amount referred to in the first subparagraph shall include:

- a expenditure on measures presented under the new rural development programming, including expenditure on evaluation under Article 49(2) of Regulation (EC) No 1257/1999;
- b expenditure incurred under earlier accompanying measures covered by Council Regulations (EEC) No 2078/92⁽¹⁾, (EEC) No 2079/92⁽²⁾ and (EEC) No 2080/92⁽³⁾ and under the measures covered by the earlier Regulations repealed by the above Regulations;
- c expenditure incurred on measures under Article 4 of Regulation (EC) No 2603/1999.

2 Approval shall also cover the allocation and use of amounts remaining available to the Member States as additional Community support under Article 5 of Regulation (EC) No 1259/1999. If a separate decision as referred to in the first subparagraph of paragraph 1 is adopted, these amounts shall appear in the financial table annexed to this decision.

However, those amounts shall not be included in the overall amount of Community support referred to in paragraph 1.

3 Approval may cover State aid intended to provide additional financing to rural development measures only if the State aid is identified in accordance with point 16 of Annex II.

Article 49

Member States shall make rural development programming documents available to the public.

Status: Point in time view as at 01/01/2005.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 817/2004 (repealed), SECTION 2. (See end of Document for details)

Article 50

Where rural development measures are submitted in the form of general framework regulations, rural development plans shall make appropriate reference to such regulations.

Articles 47, 48 and 49 shall also apply in the case referred to in the first paragraph.

Article 51

1 Amendments to rural development programming documents and rural development measures included in single programming documents under Objective 2 financed by the EAGGF Guarantee Section shall be duly substantiated, in particular giving the following information:

- a the reasons and any implementation problems justifying adjustment of the programming document;
- b the expected effects of the amendment;
- c the implications for financing and verification of commitments.

2 Acting in accordance with the procedures referred to in Articles 50(2) and 48(3) of Regulation (EC) No 1260/1999, the Commission shall approve any amendments to rural development programming documents, financial table annexed to the decision referred to in the first subparagraph of Article 48(1) and rural development measures included in single programming documents under Objective 2 financed by the EAGGF Guarantee Section whenever they have a bearing on:

- a priorities;
- b the main features of the support measures as indicated in Annex II;
- c the overall maximum amount of Community support and/or the overall minimum total eligible cost or eligible public expenditure fixed in the decision approving the programming document or in the decision referred to in the first subparagraph of Article 48(1);
- d the distribution of the financial allocation made for the measures contained in the programming document, where it exceeds:
 - 15 % of the total eligible cost of the programme concerned for the entire programming period, if the Community contribution is based on the total eligible cost,
 - 20 % of the total eligible public expenditure for the programme concerned for the entire programming period, if the Community contribution is based on the eligible public expenditure,

calculated on the basis of the last column (total) of the financial table annexed to the Commission Decision approving the programming document or annexed to the decision referred to in the first subparagraph of Article 48(1), as last amended.

3 The amendments referred to in paragraph 2 shall be submitted to the Commission in a single proposal per programme no more than once per calendar year.

The first subparagraph shall not apply:

- a where amendments are required as a result of a natural disaster or other exceptional occurrence with a major impact on the Member State's programming;
- b where an amendment of the financial table annexed to the decision referred to in Article 48(1) is necessary as a result of an amendment of a regional rural development programming document.

Status: Point in time view as at 01/01/2005.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 817/2004 (repealed), SECTION 2. (See end of Document for details)

4 Amendments of a financial nature which are not covered by paragraph 2(d) and amendments to the Community contribution rate as referred to in the first indent of point 9(2) B of Annex II shall be communicated to the Commission together with the financial table amended in accordance with point 8 of Annex II. They shall enter into force on the date on which they are received by the Commission.

Amendments of a financial nature as referred to in the first subparagraph may not exceed the ceilings provided for in paragraph 2(d) when totalled over a calendar year.

5 Amendments other than those covered in paragraphs 2 and 4 shall be communicated to the Commission at least three months before their entry into force.

Such amendments may enter into force earlier if the Commission confirms to the Member State before the end of the three-month period that the notified amendments comply with Community legislation.

If the notified amendment does not comply with Community legislation, the Commission shall inform the Member State thereof and the three-month period provided for in the first subparagraph shall be suspended until the Commission receives a compliant amendment.

Article 52

Where Community legislation is amended, rural development programming documents and single programming documents under Objective 2 shall be revised in line with those amendments if necessary.

Article 51(3) shall not apply to such revisions.

Such amendments to rural development programming documents or single programming documents under Objective 2 which are limited to bringing the document into line with new Community legislation shall be sent to the Commission for information.

Article 53

Member States shall make available to the Commission a consolidated electronic version of their programming documents, updated following each amendment. They shall provide the Commission with the electronic address at which the consolidated versions of programming documents can be consulted and shall inform it each time they are updated.

Furthermore, Member States shall keep an electronic version of all the previous versions of their programming documents.

Status: Point in time view as at 01/01/2005.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 817/2004 (repealed), SECTION 2. (See end of Document for details)

- (1) OJ L 215, 30.7.1992, p. 85.
- (2) OJ L 215, 30.7.1992, p. 91.
- (3) OJ L 215, 30.7.1992, p. 96.

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There are currently no known outstanding effects for the Commission Regulation (EC) No 817/2004 (repealed), SECTION 2.