



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 15 May 2009

**8941/09
ADD 1**

CRS/CRP 17

ADDENDUM TO THE SUMMARY RECORD

**Subject : 2271st meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 21-24 April 2009**

A statement is made by the Commission on the following item :

(Coreper Part 2, under II)

- 58. Proposal for a Regulation of the European Parliament and of the Council establishing a programme to aid economic recovery by granting Community financial assistance to projects in the field of energy**
- **Outcome of the informal trialogue and analysis of the compromise text with a view to agreement**
8792/09 ENER 131 ECOFIN 282 CODEC 546
+ COR 1 + COR 2

"The Commission is of the view that the award criterion "the extent up to which lack of access to finance is holding back the implementation of the action", contained in Articles 8(2)b), 14(2)b) and 19(2)a) of the Regulation, does not prevent the support of projects the implementation of which has already been ongoing when support is granted under this Regulation, without prejudice to Article 112(1) of the Financial Regulation."¹

¹ "A grant may be awarded for an action which has already begun only where the applicant can demonstrate the need to start the action before the grant is awarded.
In such cases, costs eligible for financing may not have been incurred prior to the date of submission of the grant application, save in duly substantiated exceptional cases as provided for in the basic act or in the case of expenditure necessary for the proper implementation of crisis management aid or humanitarian aid operations as provided for in the implementing rules.
No grant may be awarded retrospectively for actions already completed".

A joint statement by the Council and the Commission is also made :

"The Council and the Commission agree that any proposal by the Commission pursuant to Article 28(2):

- will have to be consistent with the overall geographical balance of the Recovery Plan,
and
- will not constitute a precedent for other Community programmes concerning the use of not committed funds."
