

Fact sheet: CERTIFICATION OF PUBLIC EXPENDITURE IN AUSTRIA

	<i>ERDF calculated as % of ...</i>	
	<i>... total expenditure</i>	<i>... public expenditure</i>
<p>A. Public Beneficiary = public “contracting authority” pursuant to Art. 1 (9) of Directive 2004/18 (EG), i.e. “the State, regional or local authorities, bodies governed by public law, associations formed by one or several of such authorities or one or several of such bodies governed by public law. A ‘body governed by public law’ means any body - (a) established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character; (b) having legal personality; and (c) financed, for the most part, by the State, regional or local authorities, or other bodies governed by public law; or subject to management supervision by those bodies; or having an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law.”</p> <p>Public expenditure = total eligible expenditure</p> <p>↳ Expenditure for purchase of external goods and services must meet the requirements of (national and EU) public procurement legislation</p> <p>↳ In principle, state aid rules might apply, too, if public activity affects competition (in most cases however not very likely) -> in case of doubt to be checked by programme managing authority and national authorities, when issuing subsidy contracts</p>	<p>Amount to be certified: total eligible expenditure = public expenditure</p>	<p>Amount to be certified: public expenditure = total eligible expenditure</p>

<i>ERDF calculated as % of ...</i>		
	<i>... total expenditure</i>	<i>... public expenditure</i>
<p>B. Private Beneficiary = any other beneficiaries</p> <p>Public expenditure = ERDF + corresponding national public contributions (subsidies to finance costs of private beneficiary)</p> <p>Public expenditure/contribution + private contribution (if required) = total finance = total expenditure</p> <p>↳ Commercial activities are likely to fall under EU state aid rules -> programme managing authorities and national authorities, when issuing subsidy contracts to beneficiaries, have to check, whether state aid rules are applicable and (if so) whether the total public contribution (ERDF + national) remains within the aid ceilings applicable for a specific region, beneficiary and operation</p> <p>↳ Public procurement legislation does not apply – unless otherwise foreseen (in part or total) by programme specific rules and formally agreed between programme authorities and project partners in ERDF subsidy contract (MA-LP) and partnership agreement (LP-PP)</p>	<p>Amount to be certified: total eligible expenditure (information on public contribution = optional)</p>	<p>National public contribution (in addition to ERDF) = obligatory</p> <p>Controls pursuant to Art. 60 lit. b of Regulation No. 1083/2006 (“First level control” – FLC) for this type of beneficiary in Austria are carried out –</p> <ul style="list-style-type: none"> - by the authority in charge of control for the corresponding national public subsidy, if the national subsidy is awarded by a Federal or Land body; - by the Federal Chancellery, if the national public subsidy is awarded by another public body. <p>Amounts to be certified:</p> <ol style="list-style-type: none"> 1. <u>total expenditure</u> meeting the <u>eligibility criteria</u> <u>and</u> 2. corresponding <u>public contributions</u> (ERDF + national, according to the proportions set out in the ERDF subsidy contract) <u>due</u> and under way to be paid out (no discretion to change national public contributions); at least for the <u>final</u> declaration before project closure FLC must certify that all national public contributions have <u>actually</u> been <u>paid out</u>