



EUROPEAN COMMISSION

DIRECTORATE-GENERAL

REGIONAL POLICY

Communication, information, relations with third countries, coordination of outermost regions, legal advice, procedures

Legal advice, procedures

Brussels, 26.11.2009*011131
REGIO.B.3/DG/2009 D 631183

Mr Nikolay NIKOLOV

Compl. [REDACTED]

5300 Gabrovo

BULGARIA

Dear Sir,

Subject: **Complaint concerning the planning and implementation of the west ring road of Gabrovo project in Bulgaria (Ref.: CAB(2009)1073)**

I refer to your complaint concerning the planning and implementation of the West Ring Road project in Gabrovo. Your complaint has been registered under the number CAB(2009)1073.

It should be pointed out that, in accordance with the Structural Funds Regulations, assistance under the Structural Funds is provided according to an approach of complementarity and partnership between the Commission and the Member States, with due regard for their respective powers. In this context, and on the basis of the principle of subsidiarity, the implementation of co-financed actions is the responsibility of the Member States, at the most appropriate territorial level and according to the institutional system of each Member State.

After receiving your complaint, the Directorate-General for Regional Policy requested information from the Ministry of Transport who is the Managing authority for the project.

The information we received is that the preparation of the Gabrovo by-pass project has been included in the Component 3 of the Cohesion Fund project "Technical Assistance for Preparation of road project along the TEN-T located in Bulgaria and that the physical implementation of the project has been proposed for co-financing in the 2007-2013 Transport Operational Programme.

However during the last Monitoring Committee meeting of the Operational Programme in June 2009, the Committee agreed to exclude the Gabrovo by-pass project from the priority projects list.

This decision implies that the Gabrovo by-pass project is currently not co-financed by the Structural Funds. Therefore, the Directorate-General for Regional Policy is not competent and cannot take action on the basis of your letter.

If you have any new information that might prove that the project will finally be co-financed by Structural Funds and that there is an infringement of EC Law and more specifically of Structural Funds regulations, please send it to REGIO-PLAINTES-INFRACTIONS@ec.europa.eu and we will reconsider the case.

Yours faithfully,

Charlie Grant
Head of Unit

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