



Reports of Cases

Case C-579/11

Grande Área Metropolitana do Porto (GAMP)

v

Comissão Directiva do Programa Operacional Potencial Humano and Others

(Reference for a preliminary ruling from the tribunal administrativo e fiscal do Porto)

(Structural funds — Regulation (EC) No 1083/2006 — Geographical eligibility — Implementation of an investment co-financed by the European Union from a place located outside of the eligible regions and by an operator established in such a place)

Summary — Judgment of the Court (Third Chamber), 19 December 2012

Economic, social and territorial cohesion — Structural assistance — European Union funding — Regulation No 1083/2006 — Geographical eligibility — Implementation of an investment co-financed by the European Union from a place located outside of the eligible regions and by an operator established in such a place — Lawfulness — Conditions

(Arts 174 TFEU and 175 TFEU; Council Regulation No 1083/2006, Arts 3(2)(a), 5 and 35(1))

The provisions of European Union primary law concerning economic, social and territorial cohesion and Regulation No 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation No 1260/1999 must be interpreted as not precluding an investment co-financed by the European Union from being implemented from a place located outside of the eligible regions and by an operator established in such a place, provided that the investment targets specifically and identifiably the eligible regions.

The interests of the region set to benefit from the co-financing by the European Union are best served where the operator entrusted with implementation provides the best qualitative and quantitative guarantees that the project will be carried out. The fact that that operator is established outside of that region should not be an obstacle to assigning the project to it. Although the Structural Funds and the other financial instruments of the European Union aim to speed up the convergence of the least-developed regions, they do not, however, aim to reserve the provision of services rendered in the context of programmes co-financed by the European Union only to operators established in those regions. In line with that aim, it is those regions which must benefit from the co-financing by the European Union and not the operators which are established there.

Similarly, the interests of the eligible region are sometimes served just as well when the investment is implemented from a place located outside of that region.

(see paras 35, 36, 39, operative part)