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NOTE

From:	Presidency
To:	Permanent Representatives Committee/Council
Subject:	Legislative package for Cohesion Policy 2021-2027 - Overall state of play of negotiations = Presidency report

1. The Commission legislative proposals for Cohesion Policy for the 2021-2027 period were published on 29 and 30 May 2018. Work within the Council preparatory bodies started during June 2018 under the Bulgarian Presidency and continued during the Austrian Presidency with the examination of all the legislative proposals part of the package, with particular focus on the Common Provisions Regulation (CPR).
2. At its meeting on 19 December 2018, under the Austrian Presidency, the Permanent Representatives Committee reached a partial mandate on the Common Provisions Regulation covering provisions regarding programming and strategic planning (**Block 1**) and management and control (**Block 5**) as set out in doc. 15429/18 + ADD1. These were the first elements of the Cohesion package agreed by the Council preparatory bodies, as they configure the essential parts needed for the programming and implementation of the Funds.

3. From its side, the European Parliament reached a mandate for negotiations with the Council on the Common Provisions Regulation on 13 February 2019. Later on, the European Parliament voted its first reading position on this file on 27 March 2019.
4. Based on the mandate obtained during the Austrian Presidency, the Romanian Presidency started the inter-institutional negotiations with the European Parliament on Block 1 of the Common Provisions Regulation (programming and strategic planning), as one of the only elements of the Cohesion package for which the two co-legislators had obtained a negotiating mandate by mid-February 2019 and were willing to start trilogue negotiations. At the same time, the Romanian Presidency continued (and concluded by the end of its term) its intensive work towards the finalisation of the negotiation mandates on the other Regulations part of the Cohesion Policy legislative package, as set out in their Progress Report (doc. 10049/19).
5. The Romanian Presidency conducted three political trilogues with the European Parliament on 19 and 26 February and 6 March 2019 on CPR Block 1, which were accompanied by several technical meetings between the involved parties.
6. From the Presidency's point of view, the results of the work emerging from the inter-institutional negotiations with the European Parliament are annexed to this note.
7. The Structural Measures Working Party was kept informed about the state-of-play of the negotiations. The results of the inter-institutional work were presented to the Structural Measures Working Party on 1, 7 and 11 of March 2019. However, a common understanding between the co-legislators could not be reached as the divergent positions of the two co-legislators on some very sensitive issues for both parties were requiring a wider set of elements of the CPR to get to a compromise. A compromise at such early stage of the negotiations was considered by many delegations as not convenient.

8. The Presidency believes that the progress made during trilogue negotiations in February and March 2019, before the end of the 2014-2019 legislature term, can be beneficial for the future negotiations and can provide a very useful guidance for further work for the upcoming Presidencies and for the Council preparatory bodies on the Cohesion Policy legislative package.
 9. The Permanent Representatives Committee and the Council are invited to take note of this report
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COMMON PROVISIONS REGULATION: BLOCK 1 - Strategic approach and programming

Results of the work emerging from the inter-institutional negotiations with the European Parliament from the Presidency's point of view

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
		TABLE OF CONTENTS [... TO BE INSERTED]	<i>[Provisional common understanding]</i>	I - 1
TITLE I OBJECTIVES AND GENERAL RULES	<i>[no change]</i>	TITLE I OBJECTIVES AND GENERAL RULES ON SUPPORT	Comment: For block 7	I - 2
CHAPTER II Policy objectives and principles for the support of the Funds	<i>[no change]</i>	<i>[no change]</i>	<i>[Provisional common understanding]</i> [no change]	I - 3
<i>Article 4</i> <i>Policy objectives</i>	<i>[no change]</i>	<i>[no change]</i>	<i>[Provisional common understanding]</i> [no change]	I - 4
1. The ERDF, the ESF+, the Cohesion Fund and the EMFF shall support the following policy objectives:	<i>[no change]</i>	<i>[no change]</i>	<i>[Provisional common understanding]</i> [no change]	I - 5
(a) a smarter Europe by promoting innovative and smart economic transformation;	<u>Amendment 63</u> (a) a more competitive and smarter	<i>[no change]</i>	<i>[Provisional common understanding]</i> (a) a more competitive and smarter	I - 6

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	Europe by promoting innovative and smart economic transformation and strengthening small and medium-sized enterprises ;		Europe by promoting innovative and smart economic transformation;	
(b) a greener, low-carbon Europe by promoting clean and fair energy transition, green and blue investment, the circular economy, climate adaptation and risk prevention and management;	<u>Amendment 64</u> (b) a greener, low-carbon transitioning towards a net zero carbon economy and resilient Europe by promoting clean and fair energy transition, green and blue investment, the circular economy, climate change mitigation and adaptation and risk prevention and management;	(b) a greener, low-carbon and resilient Europe by promoting clean and fair energy transition, green and blue investment, the circular economy, climate adaptation and risk prevention and management;	<i>[Provisional common understanding]</i> (b) a greener, low-carbon transitioning towards a net zero carbon economy and resilient Europe by promoting clean and fair energy transition, green and blue investment, the circular economy, climate change mitigation and adaptation and risk prevention and management;	I - 7
(c) a more connected Europe by enhancing mobility and regional ICT connectivity;	<u>Amendment 65</u> (c) a more connected Europe by enhancing mobility, including smart and sustainable mobility , and regional ICT connectivity;	[no change]	<i>[Provisional common understanding]</i> [no change]	I - 8
(d) a more social Europe implementing the European Pillar of Social Rights;	<u>Amendment 66</u> (d) a more social and inclusive Europe implementing the European Pillar of Social Rights;	[no change]	<i>[Provisional common understanding]</i> (d) a more social and inclusive Europe implementing the European Pillar of Social Rights;	I - 9

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
(e) a Europe closer to citizens by fostering the sustainable and integrated development of urban, rural and coastal areas and local initiatives.	<u>Amendment 67</u> (e) a Europe closer to citizens by fostering the sustainable and integrated development of all regions , urban, rural and coastal areas and local initiatives.	(e) a Europe closer to citizens by fostering the sustainable and integrated development of urban, rural and coastal areas and local initiatives all types of territories .	<i>[Provisional common understanding]</i> (e) a Europe closer to citizens by fostering the sustainable and integrated development of all types of territories urban, rural and coastal areas and local initiatives .	I - 10
2. The ERDF, the ESF+ and the Cohesion Fund shall contribute to the actions of the Union leading to strengthening of its economic, social and territorial cohesion in accordance with Article 174 of the TFEU by pursuing the following goals:	<i>[no change]</i>	[no change]	<i>[Provisional common understanding]</i> [no change]	I - 11
(a) Investment for jobs and growth in Member States and regions, to be supported by the ERDF, the ESF+ and the Cohesion Fund; and	<i>[no change]</i>	[no change]	<i>[Provisional common understanding]</i> [no change]	I - 12
(b) European territorial cooperation (Interreg), to be supported by the ERDF.	<i>[no change]</i>	[no change]	<i>[Provisional common understanding]</i> [no change]	I - 13
3. Member States shall provide information on the support for environment and climate objectives using a methodology based on types of intervention for each of the Funds.	<u>Amendment 68</u> 3. Member States shall ensure climate proofing for relevant operations through the entire	[no change]	<i>[Provisional common understanding]</i> [no change] Comment: EP amendment to be	I - 14

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
That methodology shall consist of assigning a specific weighting to the support provided at a level which reflects the extent to which such support makes a contribution to environmental objectives and to climate objectives. In the case of the ERDF, the ESF+ and the Cohesion Fund weightings shall be attached to dimensions and codes for the types of intervention established in Annex I.	<i>planning and implementation process and</i> shall provide information on the support for environment and climate objectives using a methodology based on types of intervention for each of the Funds. That methodology shall consist of assigning a specific weighting to the support provided at a level which reflects the extent to which such support makes a contribution to environmental objectives and to climate objectives. In the case of the ERDF, the ESF+ and the Cohesion Fund weightings shall be attached to dimensions and codes for the types of intervention established in Annex I.		discussed in the context of Article 6a - Horizontal Principles.	
4 Member States and the Commission shall ensure the coordination, complementarity and coherence between the Funds and other Union instruments such as the Reform Support Programme, including the Reform Delivery Tool and the Technical Support Instrument. They shall optimise mechanisms for coordination between those responsible to avoid duplication during planning and implementation.	<u>Amendment 69</u> 4. <i>In accordance with their respective responsibilities and in line with the principles of subsidiarity and multilevel governance,</i> Member States and the Commission shall ensure the coordination, complementarity and coherence between the Funds and other Union instruments such as the Reform Support Programme, including the Reform Delivery Tool and the Technical Support Instrument. They	4. Member States and the Commission shall ensure promote the coordination, complementarity and coherence between the Funds and other Union instruments such as the Reform Support Programme, including the Reform Delivery Tool and the Technical Support Instrument and funds . They shall optimise mechanisms for coordination between those responsible to avoid duplication during planning and implementation. Accordingly, Member States and	<i>[Provisional common understanding]</i> 4. Member States and the Commission shall ensure promote the coordination, complementarity and coherence between the Funds and other Union instruments such as the Reform Support Programme, including the Reform Delivery Tool and the Technical Support Instrument and funds . They shall optimise mechanisms for coordination between those responsible to avoid duplication	I - 15

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	shall optimise mechanisms for coordination between those responsible <i>in order</i> to avoid duplication during planning and implementation.	the Commission shall also take into account the relevant country-specific recommendations in the programming and implementation of the Funds.	during planning and implementation. Accordingly, Member States and the Commission shall also take into account the relevant country-specific recommendations in the programming and implementation of the Funds.	
	<u>Amendment 70</u> 4a. Member States and the Commission shall ensure compliance with relevant State aid rules.		[Provisional common understanding] [no change]	I - 16
<i>Article 5</i> <i>Shared management</i>	[no change]	[no change]	[Provisional common understanding] [no change]	I - 17
1. The Member States and the Commission shall implement the budget of the Union allocated to the Funds under shared management in accordance with Article [63] of Regulation (EU, Euratom) [number of the new financial regulation] (the 'Financial Regulation').	<u>Amendment 71</u> 1. The Member States, in accordance with their institutional and legal framework , and the Commission shall implement the budget of the Union allocated to the Funds under shared management in accordance with Article [63] of	[no change]	[provisional common understanding still to be agreed at political level] 1. The Member States and the Commission shall implement the budget of the Union allocated to the Funds under shared management in accordance with Article [63] of Regulation (EU, Euratom) [number	I - 18

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	Regulation (EU, Euratom) [number of the new financial regulation] (the 'Financial Regulation').		of the new financial regulation] (the 'Financial Regulation'). Member States, taking into account their institutional, legal and financial framework, shall prepare and implement programmes at the appropriate territorial level.	
		Member States shall prepare and implement the support from the Funds at the appropriate territorial level, in accordance with their institutional, legal and financial framework.	<i>[provisional common understanding still to be agreed at political level]</i> Comment: Council amendment withdrawn as it is covered in row 18	I - 19
2. However, the Commission shall implement the amount of support from the Cohesion Fund transferred to the Connecting Europe Facility ('CEF'), the European Urban Initiative, Interregional Innovative Investments, the amount of support transferred from the ESF+ to transnational cooperation, the amounts contributed to InvestEU ¹ and technical assistance at the initiative of the Commission under direct or indirect management in accordance with [points (a) and (c) of Article 62(1)] of the Financial	<u>Amendment 72</u> 2. However, <i>Without prejudice to Article 1(2)</i> , the Commission shall implement the amount of support from the Cohesion Fund transferred to the Connecting Europe Facility ('CEF'), the European Urban Initiative, Interregional Innovative Investments, the amount of support transferred from the ESF+ to transnational cooperation, the amounts contributed to InvestEU ³⁷ and technical assistance at the initiative of the Commission under	[no change]	<i>[Provisional common understanding]</i> [no change]	I - 20

¹ [Regulation (EU) No [...] on [...] (OJ L [...], [...], p. [...])].

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
Regulation.	direct or indirect management in accordance with [points (a) and (c) of Article 62(1)] of the Financial Regulation.			
3. The Commission may implement outermost regions' cooperation under the European territorial cooperation goal (Interreg) under indirect management.	<u>Amendment 73</u> 3. The Commission may, with the agreement of the Member State and the region concerned , implement outermost regions' cooperation under the European territorial cooperation goal (Interreg) under indirect management.	3. In agreement with the Member State concerned , the Commission may implement outermost regions' cooperation under the European territorial cooperation goal (Interreg) under indirect management.	<i>[Provisional common understanding]</i> 3. The Commission may, with the agreement of the Member State and the regions concerned , implement outermost regions' cooperation under the European territorial cooperation goal (Interreg) under indirect management.	I - 21
<i>Article 6</i> <i>Partnership and multi-level governance</i>	<i>[no change]</i>	[no change]	Comment: Full Article to be further discussed at political level.	I - 22
1. Each Member State shall organise a partnership with the competent regional and local authorities. That partnership shall include at least the following partners:	<u>Amendment 74</u> 1. For the Partnership Agreement and each programme , each Member State shall, in accordance with its institutional and legal framework , organise a fully - fledged, effective partnership with the competent regional and local authorities . That	1. Each Member State shall organise and implement a partnership with the involvement of relevant partners in accordance with Commission Delegated Regulation (EU) No 240/2014², taking into account specificities of the Funds. competent regional and local authorities . That partnership shall		I - 23

² Commission Delegated Regulation (EU) No 240/2014 of 7 January 2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds (OJ L 74, 14.3.2014, p. 1).

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	partnership shall include at least the following partners:	include at least the following partners:		
(a) urban and other public authorities;	<u>Amendment 75</u> (a) regional, local , urban and other public authorities;	(a) urban and other public authorities;		I - 24
(b) economic and social partners;	[no changes]	(b) economic and social partners;		I - 25
(c) relevant bodies representing civil society, environmental partners, and bodies responsible for promoting social inclusion, fundamental rights, rights of persons with disabilities, gender equality and non-discrimination.	<u>Amendment 76</u> (c) relevant bodies representing civil society, such as environmental partners, non-governmental organisations , and bodies responsible for promoting social inclusion, fundamental rights, rights of persons with disabilities, gender equality and non-discrimination.	(c) relevant bodies representing civil society, environmental partners, and bodies responsible for promoting social inclusion, fundamental rights, rights of persons with disabilities, gender equality and non-discrimination.		I - 26
	<u>Amendment 77</u> (ca) research institutions and universities, where appropriate.			I - 27
2. In accordance with the multi-level governance principle, the Member State shall involve those partners in the preparation of Partnership Agreements and throughout the preparation and implementation of programmes including through	<u>Amendments 78 and 459</u> 2. In accordance with the multi-level governance principle and following a bottom-up approach , the Member State shall involve those partners in the preparation of Partnership	2. In accordance with the multi-level governance principle, the Member State shall involve those partners in the preparation of Partnership Agreements and throughout the preparation and implementation of programmes including through		I - 28

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
participation in monitoring committees in accordance with Article 34.	Agreements and throughout the preparation and , implementation and evaluation of programmes including through participation in monitoring committees in accordance with Article 34. <i>In that context, Member States shall allocate an appropriate percentage of the resources coming from the Funds for the administrative capacity building of social partners and civil society organisations. For cross-border programmes, the Member States concerned shall include partners from all participating Member States.</i>	participation in monitoring committees in accordance with Article 34.		
3. The organisation and implementation of partnership shall be carried out in accordance with Commission Delegated Regulation (EU) No 240/2014 ³ .	<u>Amendment 79</u> 3. The organisation and implementation of partnership shall be carried out in accordance with Commission Delegated Regulation (EU) No 240/2014 ³ . <i>The Commission is empowered to adopt delegated acts, in accordance with Article 107, concerning amendments to Delegated Regulation (EU) 240/2014 in order to adapt that</i>	3. The organisation and implementation of partnership shall be carried out in accordance with Commission Delegated Regulation (EU) No 240/2014³.		I - 29

³ Commission Delegated Regulation (EU) No 240/2014 of 7 January 2014 on the European code of conduct on partnership in the framework of the European Structural and Investment Funds (OJ L 74, 14.3.2014, p. 1).

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	<i>Delegated Regulation to this Regulation.</i>			
4. At least once a year, the Commission shall consult the organisations which represent the partners at Union level on the implementation of programmes.	<u>Amendment 80</u> 4. At least once a year, the Commission shall consult the organisations which represent the partners at Union level on the implementation of programmes, <i>and shall report to the European Parliament and Council on the outcome.</i>	4.2. At least once a year, the Commission shall consult the the organisations which represent the the partners at Union level on the implementation of programmes.		I - 30
	<u>Amendment 81</u> Article 6 a (new) <i>Horizontal Principles</i> <i>1. Member States and the Commission shall ensure respect for fundamental rights and compliance with the Charter of Fundamental Rights of the European Union in the implementation of the Funds.</i>		Comment: Full Article to be discussed at political level; and “climate proofing” from row I-14 to be revisited	I - 31
	<i>2. Member States and the Commission shall ensure that equality between men and women, gender mainstreaming and the integration of gender perspective are taken into account and promoted throughout the preparation and</i>			I - 32

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	<i>implementation of programmes, including in relation to monitoring, reporting and evaluation.</i>			
	<i>3. Member States and the Commission shall take appropriate steps to prevent any discrimination based on gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the preparation, implementation, monitoring, reporting and evaluation of programmes. In particular, accessibility for persons with disabilities shall be taken into account throughout the preparation and implementation of programmes.</i>			I - 33
	<i>4. The objectives of the Funds shall be pursued in line with the principle of sustainable development, taking into account the UN Sustainable Development Goals and with the Union's promotion of the aim of preserving, protecting and improving the quality of environment and combating climate change, taking into account the polluter pays principle, as set out in Article 191(1) and (2) TFEU.</i>			I - 34
	<i>Member States and the Commission shall ensure that environmental protection requirements, resource efficiency, energy efficiency first-</i>			I - 35

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	<i>principle, socially just energy transition, climate change mitigation and adaptation, biodiversity, disaster resilience, and risk prevention and management are promoted in the preparation and implementation of programmes. They shall aim at avoiding investments related to production, processing, distribution, storage or combustion of fossil fuels.</i>			
TITLE II STRATEGIC APPROACH	[no change]	[no change]	[provisional common understanding] [no change]	I - 36
CHAPTER I Partnership Agreement	[no change]	[no change]	[provisional common understanding] [no change]	I - 37
Article 7 <i>Preparation and submission of the Partnership Agreement</i>	[no change]	Article 7 Preparation and submission of the Partnership Agreement		I - 38
1. Each Member State shall prepare a Partnership Agreement which sets out arrangements for using the Funds in an effective and efficient way for the period from 1 January 2021 to 31 December 2027.	<u>Amendment 82</u> 1. Each Member State shall prepare a Partnership Agreement which sets out arrangements for using the Funds in an effective and efficient way for the period from 1 January 2021 to 31 December 2027. <i>Such Partnership Agreement shall be prepared in accordance with the code of conduct</i>	1. Each Member State shall prepare a Partnership Agreement which sets out the strategic orientation for programming and the arrangements for using the Funds ERDF, the Cohesion Fund, the ESF+, and the EMFF in an effective and efficient way for the period from 1 January 2021 to 31 December 2027.	[provisional common understanding] Comment: "funds" or "Funds" covered by the Partnership Agreement still linked to outcome on Article 7 1. Each Member State shall prepare a	I - 39

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	<i>established by the Commission Delegated Regulation (EU) No 240/2014.</i>		Partnership Agreement which sets out the strategic orientation for programming and the arrangements for using the Funds ERDF, the Cohesion Fund, the ESF+, and the EMFF in an effective and efficient way for the period from 1 January 2021 to 31 December 2027.	
		The requirement in the first subparagraph shall not apply where: a) the amount of resources for a Member State from the ERDF, the Cohesion Fund and the ESF+ is lower than 2.5bn EUR, or b) a Member State does not submit more than three programmes under the Investment for jobs and growth goal.	Comment: For political level	I - 40
2. The Member State shall submit the Partnership Agreement to the Commission before or at the same time as the submission of the first programme.	<u>Amendment 83</u> 2. The Member State shall submit the Partnership Agreement to the Commission before or at the same time as the submission of the first programme, but not later than 30	[no change]	<i>[provisional common understanding]</i> [no change]	I - 41

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	<i>April 2021.</i>			
3. The Partnership Agreement may be submitted together with the relevant annual National Reform Programme.	<u>Amendment 84</u> 3. The Partnership Agreement may be submitted together with the relevant annual National Reform Programme and the National Energy and Climate Plan.	3. The Partnership Agreement may be submitted together with the relevant annual National Reform Programme.	<i>[provisional common understanding]</i> 3. The Partnership Agreement may be submitted together with the relevant annual National Reform Programme and the National Energy and Climate Plan.	I - 42
4. The Member State shall draw up the Partnership Agreement in accordance with the template set out in Annex II. It may include the Partnership Agreement in one of its programmes.	<i>[no change]</i>	4. The Member State shall draw up the Partnership Agreement in accordance with the template set out in Annex II. It may include the Partnership Agreement in one of its programmes.		I - 43
5. Interreg programmes may be submitted to the Commission before the submission of the Partnership Agreement.	<i>[no change]</i>	[no change]	<i>[provisional common understanding]</i> [no change]	I - 44
<i>Article 8</i> <i>Content of the Partnership Agreement</i>	<i>[no change]</i>	Article 8 Content of the Partnership Agreement		I - 45
The Partnership Agreement shall contain the following elements:	<i>[no change]</i>	1. The Partnership Agreement shall contain the following elements:		I - 46
(a) the selected policy objectives indicating by which of the Funds and	<u>Amendment 85</u>	(a) the selected policy objectives indicating by which of the funds	<i>[provisional common understanding]</i>	I - 47

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
programmes they will be pursued and a justification thereto, and where relevant, a justification for using the delivery mode of the InvestEU, taking into account relevant country-specific recommendations;	(a) the selected policy objectives indicating by which of the Funds and programmes they will be pursued and a justification thereto, and where relevant, a justification for using the delivery mode of the InvestEU, taking into account and listing relevant country-specific recommendations, as well as regional challenges ;	covered by the Partnership Agreement and programmes they will be pursued and a justification thereto, and where relevant, a justification for using the delivery mode of the InvestEU, taking into account relevant country-specific recommendations, as well as the principles of the European Pillar of Social Rights ;	(a) the selected policy objectives indicating by which of the funds covered by the Partnership Agreement and programmes they will be pursued and a justification thereto, and where relevant, a justification for using the delivery mode of the InvestEU, taking into account relevant country-specific recommendations, the principles of the European Pillar of Social Rights and, where relevant, regional challenges ; Comment: Provisional common understanding on "funds covered by the Partnership Agreement " but still linked to outcome on Article 7	
(b) for each of the selected policy objectives referred to in point (a):	<i>[no change]</i>	[no change]	<i>[provisional common understanding]</i> [no change]	I - 48
(i) a summary of the policy choices and the main results expected for each of the Funds, including where relevant, through the use of InvestEU;	<u>Amendment 86</u> (i) a summary of the policy choices and the main results expected for each of the Funds, including where relevant, through the use of InvestEU;	(i) a summary of the policy choices and the main results expected for each of the funds covered by the Partnership Agreement , including where relevant, through the use of InvestEU;	Comment: - Provisional common understanding on "funds covered by the Partnership Agreement " but still linked to outcome on Article 7 - EP amendment 89 (row 52) to be included here.	I - 49

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
(ii) coordination, demarcation and complementarities between the Funds and, where appropriate, coordination between national and regional programmes;	<u>Amendment 87</u> (ii) coordination, demarcation and complementarities between the Funds and, where appropriate, coordination between national and regional programmes, <i>in particular with regard to CAP Strategic Plans referred to in Regulation (EU) [...] (the 'CAP Strategic Plans Regulation')</i> ;	[no change]	<i>[provisional common understanding]</i> [no change]	I - 50
(iii) complementarities between the Funds and other Union instruments, including LIFE strategic integrated projects and strategic nature projects;	<u>Amendment 88</u> (iii) complementarities <i>and synergies</i> between the Funds and other Union instruments, including LIFE strategic integrated projects and strategic nature projects, <i>and, where appropriate, projects funded under Horizon Europe</i> ;	(iii) complementarities between the funds covered by the Partnership Agreement and other Union instruments, including LIFE strategic integrated projects and strategic nature projects funds ;	<i>[provisional common understanding]</i> (iii) complementarities and synergies between the Funds covered by the Partnership Agreement and other Union instruments, including LIFE strategic integrated projects and strategic nature projects, and, where appropriate, projects funded under Horizon Europe ; Comment: "funds" or "Funds" covered by the Partnership Agreement still linked to outcome on Article 7	I - 51

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	<u>Amendment 89</u> <i>(iii a) delivery on targets, policies and measures under the National Energy and Climate Plans;</i>		<i>[provisional common understanding]</i> [no change]	I - 52
(c) the preliminary financial allocation from each of the Funds by policy objective at national level, respecting Fund-specific rules on thematic concentration;	<u>Amendment 90</u> (c) the preliminary financial allocation from each of the Funds by policy objective at national and where appropriate at regional level, respecting Fund-specific rules on thematic concentration;	(c) the preliminary financial allocation from each of the funds covered by the Partnership Agreement by policy objective at national level, respecting Fund-specific rules on thematic concentration;		I - 53
(d) where relevant, the breakdown of financial resources by category of regions drawn up in accordance with Article 102(2) and the amounts of allocations proposed to be transferred between categories of regions pursuant to Article 105;	<u>Amendment 91</u> (d) where relevant , the breakdown of financial resources by category of regions drawn up in accordance with Article 102(2) and the amounts of allocations proposed to be transferred between categories of regions pursuant to Article 105;	[no change]	<i>[provisional common understanding]</i> [no change]	I - 54
		(d bis) for technical assistance, the choice of the Member State of the form of Union contribution in accordance with Article 30(3) and, where applicable, the preliminary financial allocation from each of the Funds at national level and	Comment: to be discussed with the Articles on TA.	I - 55

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
		breakdown of financial resources by programme and category of regions;		
(e) the amounts to be contributed to InvestEU by Fund and by category of regions;	<u>Amendment 92</u> (e) the amounts to be contributed to InvestEU by Fund and by category of regions;	(e) the amounts to be contributed to InvestEU by fund and by category of regions, where relevant ;	Comment: Linked to the outcome on Article 10	I - 56
(f) the list of planned programmes under the Funds with the respective preliminary financial allocations by fund and the corresponding national contribution by category of regions;	<i>[no change]</i>	(f) the list of planned programmes under the <u>funds</u> with the respective preliminary financial allocations by fund and the corresponding national contribution by category of regions;	<i>[provisional common understanding]</i> (f) the list of planned programmes under the <u>funds</u> with the respective preliminary financial allocations by fund and the corresponding national contribution by category of regions; Comment: " funds " or "Funds" covered by the Partnership Agreement still linked to outcome on Article 7	I - 57
(g) a summary of the actions which the Member State concerned shall take to reinforce its administrative capacity of the implementation of the Funds.	<u>Amendment 93</u> (g) a summary of the actions which the Member State concerned shall take to reinforce its administrative capacity of the implementation of the Funds and its management and control system .	(g) a summary of the actions which the Member State concerned shall plans to take to reinforce its administrative capacity of the implementation of the funds covered by the Partnership Agreement .	Comment: EP amendment withdrawn.	I - 58

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	<u>Amendment 94</u> <i>(ga) where appropriate, an integrated approach to address the demographic challenges and/ or specific needs of regions and areas;</i>		<i>[provisional common understanding]</i> (ga) where appropriate, an integrated approach to address the demographic challenges and/ or specific needs of regions and areas;	I - 59
	<u>Amendment 95</u> <i>(gb) a communication and visibility strategy.</i>		Comment: EP amendment withdrawn; this issue will be revisited when discussing the content of the Programmes and block 3;	I - 60
	<u>Amendment 96</u> <i>The EIB may, at the request of Member States, participate in the preparation of the Partnership Agreement, as well as in activities relating to the preparation of operations, financial instruments and PPPs.</i>		<i>[provisional common understanding]</i> The EIB may, at the request of Member States, participate in the preparation of the Partnership Agreement, as well as in activities relating to the preparation of operations, financial instruments and PPPs.	I - 61
With regard to the European territorial cooperation goal (Interreg), the Partnership Agreement shall only contain the list of planned programmes.	<u>Amendment 97</u> With regard to the European territorial cooperation goal (Interreg), the Partnership Agreement shall only contain the list of planned programmes <i>and the cross-border investment needs in the concerned Member State.</i>	[no change]	<i>[provisional common understanding]</i> [no change]	I - 62

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
		The Partnership Agreement may also contain a summary of the assessment of the fulfilment of relevant enabling conditions referred to in Article 11 and Annexes III and IV.		I - 63
		2. Where a Partnership Agreement is not prepared pursuant to the second subparagraph of paragraph 1 of Article 7, a comprehensive set of information covering points (c) to (f) of paragraph 1 shall be sent to the Commission in the form of Annex IIbis [tables included in sections 3 to 6 of Annex II] before or at the same time as the submission of the first programme.		I - 64
<i>Article 9 Approval of the Partnership Agreement</i>	<i>[no change]</i>	Article 9 Approval of the Partnership Agreement		I - 65
1. The Commission shall assess the Partnership Agreement and its compliance with this Regulation and with the Fund-specific rules. In its assessment, the Commission shall, in particular, take into account relevant	<u>Amendment 98</u> 1. The Commission shall assess the Partnership Agreement and its compliance with this Regulation and with the Fund-specific rules. In its assessment, the Commission shall, in	1. The Commission shall assess the Partnership Agreement and its compliance with this Regulation and with the Fund-specific rules. In its assessment, the Commission shall, in particular, take into account how the Member State intends to address	<i>[provisional common understanding]</i> “The Commission shall assess the Partnership Agreement and its compliance with this Regulation and with the Fund-specific rules. In its assessment, the Commission shall, in	I - 66

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
country-specific recommendations.	particular , take into account the provisions of Article 4 and 6, the relevant country-specific recommendations, as well as the measures linked to integrated national energy and climate plans and the way they are addressed.	relevant country-specific recommendations.	particular, take into account how the Member State intends to address relevant country-specific recommendations, national energy and climate plans as well as the European Pillar of Social Rights.	
2. The Commission may make observations within three months of the date of submission by the Member State of the Partnership Agreement.	<u>Amendment 99</u> 2. The Commission may make observations within three two months of the date of submission by the Member State of the Partnership Agreement.	[no change]	<i>[provisional common understanding]</i> [no change]	I - 67
3. The Member State shall review the Partnership Agreement taking into account the observations made by the Commission.	<u>Amendment 100</u> 3. The Member State shall review the Partnership Agreement taking into account the observations made by the Commission within one month of the date of their submission.	[no change]	<i>[provisional common understanding]</i> [no change]	I - 68
4. The Commission shall adopt a decision by means of an implementing act approving the Partnership Agreement no later than four months after the date of submission of that Partnership Agreement by the Member State	<u>Amendment 101</u> 4. The Commission shall adopt a decision by means of an implementing act approving the Partnership Agreement no later than four months after the date of the first submission of that Partnership	4. The Commission shall adopt a decision by means of an implementing act approving the Partnership Agreement no later than four months after the date of submission of that Partnership Agreement by the Member State		I - 69

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
concerned. The Partnership Agreement shall not be amended.	Agreement by the Member State concerned. The Partnership Agreement shall not be amended.	concerned. The Partnership Agreement shall not be amended.		
5. If, pursuant to Article 7(4), the Partnership Agreement is included in a programme, the Commission shall adopt a decision by means of an implementing act approving that programme no later than six months after the date of submission of that programme by the Member State concerned.	[no change]	5. If, pursuant to Article 7(4), the Partnership Agreement is included in a programme, the Commission shall adopt a decision by means of an implementing act approving that programme no later than six months after the date of submission of that programme by the Member State concerned.		I - 70
<i>Article 10 Use of the ERDF, the ESF+, the Cohesion Fund and the EMFF delivered through InvestEU</i>	[no change]	[no change]		I - 71
1. Member States may allocate, in the Partnership Agreement or in the request for an amendment of a programme, the amount of ERDF, the ESF+, the Cohesion Fund and the EMFF to be contributed to InvestEU and delivered through budgetary guarantees. The amount to be contributed to InvestEU shall not exceed 5 % of the total allocation of each Fund, except in duly justified cases. Such contributions shall not constitute transfers of resources under	<u>Amendment 428</u> 1. <i>As of 1 January 2023</i> , Member States, <i>with the agreement of the managing authorities concerned</i> , may allocate, in the Partnership Agreement or in the request for an amendment of a programme, the amount of <i>up to 2%</i> of ERDF, the ESF+, the Cohesion Fund and the EMFF to be contributed to InvestEU and delivered through budgetary guarantees. The amount to be	1. Member States may allocate ; : - in the Partnership Agreement or in the comprehensive set of information referred to in Article 8(2); or - in the request for an amendment of a programme, the amount of ERDF, the ESF+, the Cohesion Fund and the EMFF to be contributed to InvestEU and delivered through budgetary		I - 72

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
Article 21.	<p>contributed to InvestEU shall not exceed 5 % Up to 3% of the total allocation of each Fund, except in duly justified cases may be further allocated to InvestEU under the mid-term review. Such contributions shall not constitute transfers of be available for investments in line with cohesion policy objectives and in the same category of regions targeted by the Funds of origin. Whenever an amount of ERDF, ESF+, Cohesion Fund is contributed to Invest EU, the enabling conditions as described in Article 11 and in Annexes III and IV to this Regulation shall apply. Only resources of future calendar years may be allocated. under Article 21.</p>	<p>guarantees. The amount to be contributed to InvestEU shall not exceed [5 %%%] of the total allocation of each Fund, except in duly justified cases. Such contributions shall not constitute transfers of resources under Article 21.</p>		
2. For the Partnership Agreement, resources of the current and future calendar years may be allocated. For the request for an amendment of a programme, only resources of future calendar years may be allocated.	<p><u>Amendment 103</u></p> <p>2. For the Partnership Agreement, resources of the current and future calendar years may be allocated. For the request for an amendment of a programme, only resources of future calendar years may be allocated.</p>	<p>2. For the Partnership Agreement, or in the comprehensive set of information referred to in Article 8(2), resources of the current and future calendar years may be allocated. For the request for an amendment of a programme, only resources of future calendar years may be allocated.</p>		I - 73
3. The amount referred to in	<u>Amendment 104</u>	[no change]		I - 74

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
paragraph 1 shall be used for the provisioning of the part of the EU guarantee under the Member State compartment.	3. The amount referred to in paragraph 1 shall be used for the provisioning of the part of the EU guarantee under the <i>respective</i> Member State compartment.			
4. Where a contribution agreement, as set out in Article [9] of the [InvestEU Regulation], has not been concluded by 31 December 2021 for an amount referred to in paragraph 1 allocated in the Partnership Agreement, the Member State shall submit a request for amendment of a programme or programmes to use the corresponding amount.	<u>Amendment 105</u> Where a contribution agreement, as set out in Article [9] of the [InvestEU Regulation], has not been concluded by 31 December 2021 2023 for an amount referred to in paragraph 1, allocated in the Partnership Agreement , the Member State shall submit a request for amendment of a programme or programmes to use the corresponding amount.	4. Where a contribution agreement, as set out in Article [9] of the [InvestEU Regulation], has not been concluded by 31 December 2021 for an amount referred to in paragraph 1 allocated in the Partnership Agreement; or in the comprehensive set of information referred to in Article 8(2) , the Member State shall submit a request for amendment of a programme or programmes to use the corresponding amount.		I - 75
The contribution agreement for an amount referred to in paragraph 1 allocated in the request of the amendment of a programme shall be concluded simultaneously with the adoption of the decision amending the programme.	<u>Amendment 106</u> The contribution agreement for an amount referred to in paragraph 1 allocated in the request of the amendment of a programme shall be concluded, or amended as the case may be , simultaneously with the adoption of the decision amending the programme.	[no change]		I - 76
5. Where a guarantee agreement, as set out in Article [9] of the [InvestEU	<u>Amendment 107</u>	[no change]		I - 77

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
Regulation], has not been concluded within nine months from the approval of the contribution agreement, the respective amounts paid into the common provisioning fund as a provisioning shall be transferred back to a programme or programmes and the Member State shall submit a corresponding request for a programme amendment.	5. Where a guarantee agreement, as set out in Article [9] of the [InvestEU Regulation], has not been concluded within nine months from the approval of the contribution agreement, the respective amounts paid into the common provisioning fund as a provisioning shall be transferred back to <i>the original</i> programme or programmes and the Member State shall submit a corresponding request for a programme amendment. <i>In this particular case, resources of past calendar years may be modified, as long as the commitments are not yet implemented.</i>			
6. Where a guarantee agreement, as set out in Article [9] of the [InvestEU Regulation], has not been fully implemented within four years from the signature of the guarantee agreement, the Member State may request that amounts committed in the guarantee agreement but not covering underlying loans or other risk bearing instruments shall be treated in accordance with paragraph 5.	[no change]	[no change]		I - 78
7. Resources generated by or attributable to the amounts	<u>Amendment 108</u>	[no change]		I - 79

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
contributed to InvestEU and delivered through budgetary guarantees shall be made available to the Member State and shall be used for support under the same objective or objectives in the form of financial instruments.	7. Resources generated by or attributable to the amounts contributed to InvestEU and delivered through budgetary guarantees shall be made available to the Member State and <i>the local or regional authority concerned by the contribution and</i> shall be used for support under the same objective or objectives in the form of financial instruments.			
8. The Commission shall re-budget contributed amounts which have not been used for InvestEU for the year in which the corresponding programme amendment is approved. Such re-budgetisation may not go beyond the year 2027.	<i>[no change]</i>	[no change]		I - 80
The decommitment time limit for the re-budgeted amount in accordance with Article 99 shall start from the year in which the contribution has been re-budgeted.	<i>[no change]</i>	[no change]		I - 81
TITLE III PROGRAMMING	<i>[no change]</i>	[no change]	<i>[provisional common understanding]</i>	I - 82
CHAPTER I General provisions on the Funds	<i>[no change]</i>	[no change]	<i>[provisional common understanding]</i>	I - 83

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
Article 16 Preparation and submission of programmes	[no change]	[no change]	[provisional common understanding]	I - 84
1. Member States shall prepare programmes to implement the Funds for the period from 1 January 2021 to 31 December 2027.	Amendment 140 1. Member States <i>in cooperation with the partners referred to in Article 6</i> shall prepare programmes to implement the Funds for the period from 1 January 2021 to 31 December 2027.	[no change]	Comment: Linked to the outcome on Article 6	I - 85
2. Member States shall submit programmes to the Commission no later than 3 months after the submission of the Partnership Agreement.	[no change]	2. Member States shall submit programmes to the Commission no later than 3 months after the submission of the Partnership Agreement or of the comprehensive set of information referred to in Article 8(2). For the AMIF, the ISF and the BMVI, Member States shall submit programmes to the Commission no later than 3 months after the entry into force of [this Regulation] and [the relevant fund- specific Regulation], whichever is later.	Comment: Linked to the outcome on Article 7	I - 86
3. Member States shall prepare programmes in accordance with the programme template set out in Annex	[no change]	[no change]	[provisional common understanding] [no change]	I - 87

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
V.				
For the AMIF, the ISF and the BMVI, the Member State shall prepare programmes in accordance with the programme template set out in Annex VI.	[no change]	For the AMIF, the ISF and the BMVI, the Member States shall prepare programmes in accordance with the programme template set out in Annex VI.	[provisional common understanding] For the AMIF, the ISF and the BMVI, the Member States shall prepare programmes in accordance with the programme template set out in Annex VI.	I - 88
Article 17 Content of programmes	[no change]	[no change]	[provisional common understanding] [no change]	I - 89
1. Each programme shall set out a strategy for the programme's contribution to the policy objectives and the communication of its results.	[no change]	[no change]	[provisional common understanding] [no change]	I - 90
2. A programme shall consist of priorities. Each priority shall correspond to a single policy objective or to technical assistance. A priority corresponding to a policy objective shall consist of one or more specific objectives. More than one priority may correspond to the same policy objective.	<u>Amendment 141</u> A programme shall consist of priorities. Each priority shall correspond to a single one or several policy objective objectives or to technical assistance. A priority corresponding to a policy objective shall consist of one or more specific objectives. More than one priority may correspond to the same policy objective.	2. A programme shall consist of one or more priorities. Each priority shall correspond to a single policy objective or to technical assistance if it is implemented pursuant to Article 30(4) or Article 32 and may use support from one or more Funds . A priority corresponding to a policy objective shall consist of one or more specific objectives. More than one priority may correspond to the same policy objective.	Comments: - to be discussed together with Articles on Technical Assistance.	I - 91

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
For programmes supported by the EMFF, each priority may correspond to one or more policy objectives. Specific objectives correspond to areas of support as defined in Annex [III] to the EMFF Regulation.	[no change]	For programmes supported by the EMFF, each priority may correspond to one or more policy objectives. Specific objectives correspond to areas of support as defined in Annex [III] to the EMFF Regulation.	[provisional common understanding] For programmes supported by the EMFF, each priority may correspond to one or more policy objectives. Specific objectives correspond to areas of support as defined in Annex [III] to the EMFF Regulation.	I - 92
For programmes supported by the AMIF, the ISF and the BMVI, a programme shall consist of specific objectives.	[no change]	For programmes supported by the AMIF, the ISF and the BMVI, a programme shall use support from one Fund and consist of specific objectives- and of technical assistance specific objectives.	[provisional common understanding] For programmes supported by the AMIF, the ISF and the BMVI, a programme shall use support from one Fund and consist of specific objectives- and of technical assistance specific objectives.	I - 93
3. Each programme shall set out:	[no change]	[no change]	[provisional common understanding] [no change]	I - 94
(a) a summary of the main challenges, taking into account:	[no change]	[no change]	[provisional common understanding] [no change]	I - 95
(i) economic, social and territorial disparities, except for programmes supported by the EMFF;	<u>Amendment 142</u> (i) economic, social and territorial disparities as well as inequalities , except for programmes supported by the EMFF;	[no change]	[provisional common understanding] (i) economic, social and territorial disparities as well as inequalities , except for programmes supported by the EMFF;	I - 96

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
(ii) market failures, investment needs and complementarity with other forms of support;	<u>Amendment 143</u> (ii) market failures, investment needs and complementarity and synergies with other forms of support;	(ii) market failures ⁷ ;	[provisional common understanding] (ii) market failures ⁷ ;	I - 97
	[no change]	(ii bis) investment needs and complementarity with other forms of support;	[provisional common understanding] (ii bis) investment needs and complementarity and synergies with other forms of support;	I - 98
(iii) challenges identified in relevant country-specific recommendations and other relevant Union recommendations addressed to the Member State;	<u>Amendment 144</u> (iii) challenges identified in the relevant country-specific recommendations and other relevant Union recommendations addressed to the Member State;	(iii) challenges identified in relevant country-specific recommendations, in relevant national or regional strategies of that Member State, and, for the AMIF, ISF and BMVI, other relevant Union recommendations addressed to the Member State;	[provisional common understanding] (iii) challenges identified in relevant country-specific recommendations, in relevant national or regional strategies of that Member State, and, for the AMIF, ISF and BMVI, other relevant Union recommendations addressed to the Member State; Comment: addition of “ <u>including National Energy and Climate Plans or in relation to the principles of the European Pillar of Social Rights</u> ” proposed by the EC in order to cover row 104; to be confirmed at political level. (iii) challenges identified in relevant	I - 99

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
			country-specific recommendations, in relevant national or regional strategies of that Member State, including <u>National Energy and Climate Plans</u> or in relation to the <u>principles of the European Pillar of Social Rights</u> and, for the AMIF, ISF and BMVI, other relevant Union recommendations addressed to the Member State;	
(iv) challenges in administrative capacity and governance;	<u>Amendment 145</u> (iv) challenges in administrative capacity and governance and simplification measures ;	[no change]	<i>[provisional common understanding]</i> (iv) challenges in administrative capacity and governance and simplification measures ;	I - 100
	<u>Amendment 146</u> (iv a) an integrated approach to address demographic challenges, where relevant ;		<i>[provisional common understanding]</i> (iv a) an integrated approach to address demographic challenges, where relevant ;	I - 101
(v) lessons learnt from past experience;	<i>[no change]</i>	[no change]	<i>[provisional common understanding]</i> [no change]	I - 102
(vi) macro-regional strategies and sea-basin strategies where Member States and regions participate in such strategies;	<i>[no change]</i>	[no change]	<i>[provisional common understanding]</i> [no change]	I - 103

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	<u>Amendment 147</u> <i>(vi a) challenges and related objectives identified within National Energy and Climate Plans and in the European Pillar of Social Rights;</i>		<p>Comment: EP amendment accepted with the addition of ‘where relevant’ as proposed by the Council;</p> <p>COM provided wording as in row 99, which remains to be agreed at political level.</p>	I - 104
(vii) for programmes supported by the AMIF, the ISF and the BMVI, progress in implementing the relevant Union <i>acquis</i> and action plans;	<u>Amendment 148</u> (vii) for programmes supported by the AMIF, the ISF and the BMVI, progress in implementing the relevant Union <i>acquis</i> and action plans, <i>as well as identified shortcomings</i> ;	(vii) for programmes supported by the AMIF, the ISF and the BMVI, progress in implementing the relevant Union <i>acquis</i> and action plans and a justification for the choice of specific objectives ;	<i>[provisional common understanding]</i> (vii) for programmes supported by the AMIF, the ISF and the BMVI, progress in implementing the relevant Union <i>acquis</i> and action plans and a justification for the choice of specific objectives ;	I - 105
		Points (i), (ii) and (vi) of paragraph 3(a) shall not apply to programmes supported by the AMIF, the ISF and the BMVI.	<i>[provisional common understanding]</i> Points (i), (ii) and (vi) of paragraph 3(a) shall not apply to programmes supported by the AMIF, the ISF and the BMVI.	I - 106
(b) a justification for the selected policy objectives, corresponding priorities, specific objectives and the forms of support;	<i>[no change]</i>	<i>[no change]</i>	<i>[provisional common understanding]</i> <i>[no change]</i>	I - 107

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
(c) for each priority, except for technical assistance, specific objectives;	[no change]	(c) for each priority, except for technical assistance, specific objectives, the types of intervention and an indicative breakdown of the programmed resources by type of intervention or area of support⁴ ;	Comment: Commission to provide short note	I - 108
(d) for each specific objective:	[no change]	[no change]	[provisional common understanding] [no change]	I - 109
(i) the related types of actions, including a list of planned operations of strategic importance, and their expected contribution to those specific objectives and to macro-regional strategies and sea-basin strategies, where appropriate;	<u>Amendment 149</u> (i) the related types of actions, including a an indicative list and timetable of planned operations of strategic importance, and their expected contribution to those specific objectives and to macro-regional strategies and sea-basin strategies, where appropriate;	(i) the related types of actions, including a list of planned operations of strategic importance , and their expected contribution to those specific objectives and to macro-regional strategies and sea-basin strategies, where appropriate;	[provisional common understanding] (i) the related types of actions, including a list of planned operations of strategic importance , and their expected contribution to those specific objectives and to macro-regional strategies and sea-basin strategies, where appropriate;	I - 110
(ii) output indicators and result indicators with the corresponding milestones and targets;	[no change]	[no change]	[provisional common understanding] [no change]	I - 111

⁴ **N.B. The term “areas of support” is to be aligned throughout the text with the finally agreed nomenclature for the EMFF, in line with Annex II of the EMFF Regulation.**

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
(iii) the main target groups;	[no change]	[no change]	[provisional common understanding] [no change]	I - 112
	<u>Amendment 150</u> (iii a) actions safeguarding equality, inclusion and non-discrimination;		[provisional common understanding] (iii a) actions safeguarding equality, inclusion and non-discrimination;	I - 113
(iv) specific territories targeted, including the planned use of integrated territorial investment, community-led local development or other territorial tools;	[no change]	(iv) indication of the specific territories targeted, including the planned use of integrated territorial investment, community-led local development or other territorial tools;	[provisional common understanding] (iv) indication of the specific territories targeted, including the planned use of integrated territorial investment, community-led local development or other territorial tools;	I - 114
(v) the interregional and transnational actions with beneficiaries located in at least one other Member State;	<u>Amendment 151</u> (v) the interregional, cross-border and transnational actions with beneficiaries located in at least one other Member State;	(v) the interregional and transnational actions with beneficiaries located in at least one other Member State or outside the Union, where relevant ;	[provisional common understanding] (v) the interregional, cross-border and transnational actions with beneficiaries located in at least one other Member State or outside the Union, where relevant ;	I - 115
	<u>Amendment 152</u> (va) sustainability of investments ;		Comment: To be discussed with selection of operations in Article 67;	I - 116
(vi) the planned use of financial instruments;	[no change]	[no change]	[provisional common understanding]	I - 117

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
			[no change]	
		<p>(e) the planned use of technical assistance pursuant to Article 32 if applicable, and relevant types of intervention;</p> <p>(e bis) for each priority on technical assistance implemented pursuant to Article 30(4):</p> <p>(i) the related types of actions;</p> <p>(ii) output indicators with the corresponding milestones and targets;</p> <p>(iii) the main target groups;</p> <p>(iv) the types of intervention and an indicative breakdown of the programmed resources by type of intervention or area of support;</p>	Comment: To be discussed together with the TA articles	I - 118
(vii) the types of intervention and an indicative breakdown of the programmed resources by type of intervention or area of support;	[no change]	(vii) the types of intervention and an indicative breakdown of the programmed resources by type of intervention or area of support;	Comment: To be discussed together with the TA articles	I - 119

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	<u>Amendment 153</u> <i>(vii a) a description of how complementarities and synergies with other Funds and instruments are to be pursued;</i>			I - 120
(e) the planned use of technical assistance in accordance with Articles 30 to 32 and relevant types of intervention;	<i>[no change]</i>	(e) the planned use of technical assistance in accordance with Articles 30 to 32 and relevant types of intervention;	Comment: to be discussed together with the TA articles.	I - 121
(f) a financing plan containing:	<i>[no change]</i>	[no change]	<i>[provisional common understanding]</i> [no change]	I - 122
(i) a table specifying the total financial allocations for each of the Funds and for each category of region for the whole programming period and by year, including any amounts transferred pursuant to Article 21;	<i>[no change]</i>	(i) a table specifying the total financial allocations for each of the Funds and for each category of region, where applicable , for the whole programming period and by year, including any amounts transferred pursuant to Article 21;	<i>[provisional common understanding]</i> (i) a table specifying the total financial allocations for each of the Funds, and where applicable, for each category of region , for the whole programming period and by year, including any amounts transferred pursuant to Article 21;	I - 123
(ii) a table specifying the total financial allocations for each priority by Fund and by category of region and the national contribution and	<i>[no change]</i>	(ii) for programmes supported by ERDF, ESF+ and the Cohesion Fund , a table specifying the total financial allocations for each priority	<i>[provisional common understanding]</i> (ii) for programmes supported by ERDF, ESF+ and the Cohesion	I - 124

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
whether it is made up of public and private contribution;		by Fund and by category of region and the national contribution and whether it is made up of public and private contribution;	Fund , a table specifying the total financial allocations for each priority by Fund and by category of region and the national contribution and whether it is made up of public and private contribution;	
(iii) for programmes supported by the EMFF, a table specifying for each type of area of support, the amount of the total financial allocations of the support from the Fund and the national contribution;	<i>[no change]</i>	[no change]	<i>[provisional common understanding]</i> [no change]	I - 125
(iv) for programmes supported by the AMIF, the ISF and the BMVI, a table specifying, by specific objective, the total financial allocations by type of action, the national contribution and whether it is made up of public and private contribution;	<i>[no change]</i>	[no change]	<i>[provisional common understanding]</i> [no change]	I - 126
(g) the actions taken to involve the relevant partners referred to in Article 6 in the preparation of the programme, and the role of those partners in the implementation, monitoring and evaluation of the programme;	<i>[no change]</i>	[no change]	<i>[provisional common understanding]</i> [no change]	I - 127

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
(h) for each enabling condition, established in accordance with Article 11, Annex III and Annex IV, an assessment of whether the enabling condition is fulfilled at the date of submission of the programme;	[no change]	(h) for each enabling condition linked to the selected specific objective , established in accordance with Article 11, Annex III and Annex IV, an assessment of whether the enabling condition is fulfilled at the date of submission of the programme;	[provisional common understanding] (h) for each enabling condition linked to the selected specific objective , established in accordance with Article 11, Annex III and Annex IV, an assessment of whether the enabling condition is fulfilled at the date of submission of the programme;	I - 128
(i) the envisaged approach to communication and visibility for the programme through defining its objectives, target audiences, communication channels, social media outreach, planned budget and relevant indicators for monitoring and evaluation;	<u>Amendment 154</u> (i) the envisaged approach to communication and visibility for the programme through defining its objectives, target audiences, communication channels, where appropriate social media outreach, as well as planned budget and relevant indicators for monitoring and evaluation;	(i) the envisaged approach to communication and visibility for the programme through defining its objectives, target audiences, communication channels, social media outreach , planned budget and relevant indicators for monitoring and evaluation;	[provisional common understanding] (i) the envisaged approach to communication and visibility for the programme through defining its objectives, target audiences, communication channels, including social media outreach, where appropriate , planned budget and relevant indicators for monitoring and evaluation;	I - 129
(j) the managing authority, the audit authority and the body which receives payments from the Commission.	<u>Amendment 155</u> (j) the managing authority, the audit authority, the body responsible for the accounting function under Article 70 , and the body which receives payments from the Commission.	(j) the managing authority, the audit authority programme authorities and the body or in case of technical assistance pursuant to Article 30(5), where applicable bodies which receives receive payments from the Commission.	Comment: Common understanding on the reference to programme authorities; Technical assistance reference to be discussed later.	I - 130

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
Points (c) and (d) of this paragraph shall not apply to the specific objective set out in Article [4(c)(vii)] of the ESF+Regulation.	<u>Amendment 156</u> Points (c) and (d) of this paragraph shall not apply to the specific objective set out in Article [4(e)(vii)] [4(1)(xi)] of the ESF+ Regulation.	Points (c) and Point (d) of this paragraph shall not apply to the specific objective set out in Article [4(e)(vii)] (xi) of the ESF+Regulation.	<i>[Provisional common understanding]</i> Points (a) (i), (ii) and (vi) of this paragraph shall not apply to programmes limited to supporting the specific objective set out in Article 4(1)(xi) of the ESF+ Regulation. Points (c) and Point (d) of this paragraph shall not apply to the specific objective set out in Article [4(e)(vii)] (xi) of the ESF+Regulation.	I - 131
		When submitting the programme for the ERDF, the Cohesion Fund, the ESF+ and the EMFF, this shall be accompanied by a list of planned operations of strategic importance, for information purposes.	<i>[provisional common understanding]</i> When submitting the programme for the ERDF, the Cohesion Fund, the ESF+ and the EMFF, this shall be accompanied for information purposes by a list of planned operations of strategic importance, with a timetable.	I - 132
		If, in accordance with point (j), more than one body is identified, the Member State shall set out the share of the reimbursed amounts between those bodies.	Comment: COM proposal on redrafting but linked to TA: “If, in accordance with point (j), more than one body is identified to receive payments from the Commission , the Member State shall set out the share of the reimbursed amounts between those bodies.”	I - 132A

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
		Where a Partnership Agreement is not prepared, the programme shall also include the information set out in points (ii) and (iii) of Article 8(1)(b).		I - 132B
	Amendment 157 <i>An environmental report containing relevant information on the effects on the environment in accordance with Directive 2001/42/EC shall be annexed to the programme, taking into account climate change mitigation needs.</i>		Comment: Linked to Article 67.	I - 133
4. By way of derogation from point (d) of paragraph 3, for each specific objective of programmes supported by the AMIF, the ISF and the BMVI the following shall be provided:	[no change]	4. By way of derogation from point (b) to (d) of paragraph 3, for each specific objective of programmes supported by the AMIF, the ISF and the BMVI the following shall be provided:	[provisional common understanding] 4. By way of derogation from point (b) to (d) of paragraph 3, for each specific objective of programmes supported by the AMIF, the ISF and the BMVI the following shall be provided: Comment:still linked to outcome on Article 7 and Article 16	I - 134
(a) a description of the initial situation, challenges and responses supported by the Fund;	[no change]	[no change]	[provisional common understanding] [no change]	I - 135

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
(b) indication of the operational objectives;	[no change]	(b) indication of the operational objectives implementation measures ;	[provisional common understanding] (b) indication of the operational objectives implementation measures ;	I - 136
(c) an indicative list of actions and their expected contribution to the specific and operational objectives;	[no change]	(c) an indicative list of actions and their expected contribution to the specific and operational objectives;	[provisional common understanding] (c) an indicative list of actions and their expected contribution to the specific and operational objectives;	I - 137
(d) where applicable, a justification for the operating support, specific actions, emergency assistance, and actions as referred to in Articles [16 and 17] of the AMIF regulation;	[no change]	[no change]	[provisional common understanding] [no change]	I - 138
(e) output and result indicators with the corresponding milestones and targets;	[no change]	[no change]	[provisional common understanding] [no change]	I - 139
(f) an indicative breakdown of the programmed resources by type of intervention.	[no change]	[no change]	[provisional common understanding] [no change]	I - 140
5. Types of intervention shall be based on a nomenclature set out in Annex I. For programmes supported by the AMIF, the ISF and the BMVI, types of intervention shall be based	[no change]	5. Types of intervention shall be based on a nomenclature set out in Annex I. For programmes supported by the EMFF , AMIF, the ISF and the BMVI, types of intervention shall be	[provisional common understanding] 5. Types of intervention shall be based on a nomenclature set out in Annex I. For programmes supported	I - 141

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
on a nomenclature set out in the Fund-specific Regulations.		based on a nomenclature set out in the Fund-specific Regulations.	by the EMFF , AMIF, the ISF and the BMVI, types of intervention shall be based on a nomenclature set out in the Fund-specific Regulations.	
6. For ERDF, ESF+ and Cohesion Fund programmes submitted in accordance with Article 16, the table referred to in paragraph (3)(f)(ii) shall include the amounts for the years 2021 to 2025 only.	<u>Amendment 158</u> 6. For ERDF, ESF+ and Cohesion Fund programmes submitted in accordance with Article 16, the table referred to in paragraph (3)(f)(ii) shall include the amounts for the years 2021 to 2027 2025 only .	6. For ERDF, ESF+ and Cohesion Fund programmes submitted in accordance with Article 16, the table referred to in paragraph (3)(f)(ii) shall include the amounts for the years 2021 to 2025 only.	Comment: For political level and linked to the mid-term review (block 2)	I - 142
7. The Member State shall communicate to the Commission any changes in the information referred to in paragraph (3)(j) without requiring a programme amendment.	<i>[no change]</i>	[no change]	<i>[provisional common understanding]</i> [no change]	I - 143
<i>Article 18 Approval of programmes</i>	<i>[no change]</i>	[no change]	<i>[provisional common understanding]</i> [no change]	I - 144
1. The Commission shall assess the programme and its compliance with this Regulation and with the Fund-specific Regulations, as well as its consistency with the Partnership Agreement. In its assessment, the Commission shall, in particular, take into account relevant country-specific	<u>Amendment 160</u> 1. The Commission shall assess the programme and its compliance with this Regulation and with the Fund-specific Regulations, as well as its consistency with the Partnership Agreement. In its assessment, the Commission shall, in particular, take	1. The Commission shall assess the programme and its compliance with this Regulation and with the Fund-specific Regulations, as well as its consistency with the relevant Partnership Agreement- or with the relevant comprehensive set of information referred to in Article		I - 145

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
recommendations.	into account relevant country-specific recommendations, <i>as well as relevant challenges identified in the implementation of the Integrated National Energy and Climate Plans and in the European Pillar of Social Rights and the way they are addressed.</i>	8(2). In its assessment, the Commission shall, in particular, take into account how relevant country-specific recommendations have been addressed.		
2. The Commission may make observations within three months of the date of submission of the programme by the Member State.	<u>Amendment 161</u> 2. The Commission may make observations within three two months of the date of submission of the programme by the Member State.	[no change]	Comment: Deadlines left for the political level (as a package);	I - 146
3. The Member State shall review the programme taking into account the observations made by the Commission.	<u>Amendment 162</u> 3. The Member State shall review the programme taking into account the observations made by the Commission <i>within two months of their submission.</i>	[no change]	Comment: Deadlines left for the political level (as a package);	I - 147
4. The Commission shall adopt a decision by means of an implementing act approving the programme no later than six months after the date of submission of the programme by the Member State.	<u>Amendment 163</u> 4. The Commission shall adopt a decision by means of an implementing act approving the programme no later than six five months after the date of <i>the first</i> submission of the programme by the	[no change]	Comment: Deadlines left for the political level (as a package);	I - 148

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	Member State.			
<i>Article 19</i> <i>Amendment of programmes</i>	<i>[no change]</i>	[no change]	<i>[provisional common understanding]</i> [no change]	I - 149
1. The Member State may submit a motivated request for an amendment of a programme together with the amended programme setting out the expected impact of that amendment on the achievement of the objectives.	<i>[no change]</i>	[no change]	<i>[provisional common understanding]</i> [no change]	I - 150
2. The Commission shall assess the amendment and its compliance with this Regulation and with the Fund-specific Regulations, including requirements at national level, and may make observations within three months of the submission of the amended programme.	<u>Amendment 164</u> 2. The Commission shall assess the amendment and its compliance with this Regulation and with the Fund-specific Regulations, including requirements at national level, and may make observations within three two months of the submission of the amended programme.	2. The Commission shall assess the amendment and its compliance with this Regulation and with the Fund-specific Regulations, including requirements at national level, and may make observations within three two months of the submission of the amended programme.	Comment: Deadlines left for the political level (as a package);	I - 151
3. The Member State shall review the amended programme and take into account the observations made by the Commission.	<u>Amendment 165</u> 3. The Member State shall review the amended programme and take into account the observations made by the Commission <i>within two months of their submission.</i>	[no change]	Comment: Deadlines left for the political level (as a package);	I - 152

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
4. The Commission shall approve the amendment of a programme no later than six months after its submission by the Member State.	<u>Amendment 166</u> 4. The Commission shall approve the amendment of a programme no later than six three months after its submission by the Member State.	4. The Commission shall approve the amendment of a programme no later than six four months after its submission by the Member State.	Comment: Deadlines left for the political level (as a package);	I - 153
5. The Member State may transfer during the programming period an amount of up to 5 % of the initial allocation of a priority and no more than 3 % of the programme budget to another priority of the same Fund of the same programme. For the programmes supported by the ERDF and ESF+, the transfer shall only concern allocations for the same category of region.	<u>Amendment 167</u> The Member State may transfer during the programming period an amount of up to 5 7 % of the initial allocation of a priority and no more than 3 5 % of the programme budget to another priority of the same Fund of the same programme. <i>In doing so the Member State shall respect the code of conduct established by the Commission Delegated Regulation (EU) No 240/2014.</i> For the programmes supported by the ERDF and ESF+, the transfer shall only concern allocations for the same category of region.	5. For the programmes supported by the ERDF, Cohesion Fund and ESF+, the Member State may transfer during the programming period an amount of up to 5 8 %, of the initial allocation of a priority and no more than 3 4 % of the programme budget to another priority of the same Fund of the same programme. For the programmes supported by the ERDF and ESF+, the transfer shall only concern allocations for the same category of region.		I - 154
		For the programmes supported by the EMFF, the Member State may transfer during the programming period an amount of up to 10% of the initial allocation of a Union priority to another Union priority;		I - 155

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
		For the programmes supported by the AMIF, the ISF and the BMVI, the Member State may transfer during the programming period allocations between types of actions within the same specific objective and, in addition, an amount of up to 15% of the initial allocation of a priority to another priority of the same Fund.		I - 156
Such transfers shall not affect previous years. They shall be considered to be not substantial and shall not require a decision of the Commission amending the programme. They shall however, comply with all regulatory requirements. The Member State shall submit to the Commission the revised table referred to under points (f)(ii), (f)(iii) or (f)(iv) of Article 17(3) as applicable.	<i>[no change]</i>	[no change]	<i>[provisional common understanding]</i> [no change]	I - 157
6. The approval of the Commission shall not be required for corrections of a purely clerical or editorial nature that do not affect the implementation of the programme. Member States shall inform the Commission of such corrections.	<u>Amendment 168</u> 6. The approval of the Commission shall not be required for corrections of a purely clerical, <i>technical</i> or editorial nature that do not affect the implementation of the programme. Member States shall	[no change]	<i>[provisional common understanding]</i> [no change]	I - 158

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	inform the Commission of such corrections.			
7. For programmes supported by the EMFF, amendments to the programmes relating to the introduction of indicators shall not require the approval of the Commission.	[no change]	[no change]	[provisional common understanding] [no change]	I - 159
Article 20 Joint support from the ERDF, the ESF+ and the Cohesion Fund	[no change]	[no change]	[provisional common understanding] [no change]	I - 160
1. The ERDF, the ESF+ and the Cohesion Fund may jointly provide support for programmes under the Investment for jobs and growth goal.	[no change]	[no change]	[provisional common understanding] [no change]	I - 161
2. The ERDF and the ESF+ may finance, in a complementary manner and subject to a limit of 10 % of support from those Funds for each priority of a programme, all or part of an operation for which the costs are eligible for support from the other Fund on the basis of eligibility rules applied to that Fund, provided that such costs are necessary for the implementation.	<u>Amendment 169</u> 2. The ERDF and the ESF+ may finance, in a complementary manner and subject to a limit of 10% 15 % of support from those Funds for each priority of a programme, all or part of an operation for which the costs are eligible for support from the other Fund on the basis of eligibility rules applied to that Fund, provided that such costs are necessary for the implementation.	[no change]	[provisional common understanding] 2. The ERDF and the ESF+ may finance, in a complementary manner and subject to a limit of 10% 15% of support from those Funds for each priority of a programme, all or part of an operation for which the costs are eligible for support from the other Fund on the basis of eligibility rules applied to that Fund, provided that such costs are necessary for the implementation.	I - 162

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
			Comment: Commission noted their opposition to this compromise.	
<i>Article 21</i> <i>Transfer of resources</i>	[no change]	[no change]	[provisional common understanding on the Title only but still to be agreed at political level] [no change]	I - 163
1. Member States may request the transfer of up to 5 % of programme financial allocations from any of the Funds to any other Fund under shared management or to any instrument under direct or indirect management.	<u>Amendment 170</u> 1. <i>For the purpose of ensuring flexibility</i> , Member States may request, <i>if agreed by the monitoring committee of the programme</i> , the transfer of up to 5% of programme financial allocations from any of the Funds to <i>the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, or the European Maritime and Fisheries Fund</i> any other Fund under shared management or to any instrument under direct or indirect management.	1. Member States may request the transfer of up to [5 %] of programme financial allocations from any of the Funds to any other Fund under shared management or to any instrument under direct or indirect management.		I - 164
2. Transferred resources shall be implemented in accordance with the rules of the Fund or the instrument to which the resources are transferred and, in the case of transfers to instruments under direct or indirect	<u>Amendments 171 and 434</u> 2. Transferred resources shall be implemented in accordance with the rules of the Fund or the instrument to which the resources are transferred	[no change]		I - 165

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
management, for the benefit of the Member State concerned.	and, in the case of transfers to instruments under direct or indirect management, for the benefit of the Member State concerned.			
3. Requests under paragraph 1 shall set out the total amount transferred for each year by Fund and by category of region, where relevant, shall be duly justified and shall be accompanied by the revised programme or programmes, from which the resources are to be transferred in accordance with Article 19 indicating to which other Fund or instrument the amounts are transferred.	<u>Amendments 172, 433 and 434</u> 3. Requests under paragraph 1 shall set out the total amount transferred for each year by Fund and by category of region, where relevant, shall be duly justified <i>with a view to the complementarities and impact to be achieved</i> , and shall be accompanied by the revised programme or programmes, from which the resources are to be transferred in accordance with Article 19 indicating to which other Fund or instrument the amounts are transferred.	[no change]		I - 166
4. The Commission may object to a request for transfer in the related programme amendment where this would undermine the achievement of the objectives of the programme from which the resources are to be transferred.	[no change]	4. After consultation with the Member State concerned , the Commission may object to a request for transfer in the related programme amendment where this would undermine the achievement of the objectives of the programme from which the resources are to be transferred.		I - 167

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
5. Only resources of future calendar years may be transferred.	<i>[no change]</i>	[no change]		I - 168
	<u>Amendment 173</u> CHAPTER I a - Major projects		Comment: For political level	I - 169
	<u>Amendment 174</u> Article 21 a (new) Content <i>As part of a programme or programmes, the ERDF and the Cohesion Fund may support an operation comprising a series of works, activities or services intended in itself to accomplish an indivisible task of a precise economic or technical nature which has clearly identified goals and for which the total eligible cost exceeds EUR 100 000 000 (the 'major project'). Financial instruments shall not be considered to be major projects.</i>			I - 170
	<u>Amendment 175</u> Article 21 b (new) Information necessary for the		Comment: For political level	I - 171

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	<p><i>approval of a major project</i></p> <p><i>Before a major project is approved, the managing authority shall submit to the Commission the following information:</i></p> <p><i>(a) details concerning the body to be responsible for implementation of the major project, and its capacity;</i></p> <p><i>(b) a description of the investment and its location;</i></p> <p><i>(c) the total cost and total eligible cost;</i></p> <p><i>(d) feasibility studies carried out, including the options analysis, and the results;</i></p> <p><i>(e) a cost-benefit analysis, including an economic and a financial analysis, and a risk assessment;</i></p> <p><i>(f) an analysis of the environmental impact, taking into account climate change adaptation and mitigation needs, and disaster resilience;</i></p> <p><i>(g) an explanation as to how the major project is consistent with the relevant priorities of the programme</i></p>			

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	<p><i>or programmes concerned, and its expected contribution to achieving the specific objectives of those priorities and the expected contribution to socio-economic development;</i></p> <p><i>(h) the financing plan showing the total planned financial resources and the planned support from the Funds, the EIB, and all other sources of financing, together with physical and financial indicators for monitoring progress, taking account of the identified risks;</i></p> <p><i>(i) the timetable for implementing the major project and, where the implementation period is expected to be longer than the programming period, the phases for which support from the Funds is requested during the programming period.</i></p>			
	<p><u>Amendment 176</u></p> <p>Article 21 c (new)</p> <p><i>Decision on a major project</i></p> <p><i>1. The Commission shall appraise the major project on the basis of the information referred to in Article</i></p>			I - 172

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	<i>21b in order to determine whether the requested financial contribution for the major project selected by the managing authority is justified. The Commission shall adopt a decision on the approval of the financial contribution to the selected major project, by means of an implementing act, no later than three months after the date of submission of the information referred to in Article 21b.</i>			
	<i>2. The approval by the Commission under paragraph 1 shall be conditional on the first works contract being concluded, or, in the case of operations implemented under PPP structures, on the signing of the PPP agreement between the public body and the private sector body, within three years of the date of the approval.</i>			I - 173
	<i>3. Where the Commission does not approve the financial contribution to the selected major project, it shall give in its decision the reasons for its refusal.</i>			I - 174
	<i>4. Major projects submitted for approval under paragraph 1 shall be</i>			I - 175

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	<i>contained in the list of major projects in a programme.</i>			
	<p><i>5. Expenditure relating to a major project may be included in a payment application after the submission for approval referred to in paragraph 1. Where the Commission does not approve the major project selected by the managing authority, the declaration of expenditure following the withdrawal of the application by the Member State or the adoption of the Commission decision shall be rectified accordingly.</i></p> <p>(* This amendment will require consequential adjustments to Annex V.)</p>			I - 176
CHAPTER II Territorial development	<i>[no change]</i>	[no change]	<i>[provisional common understanding]</i> [no change]	I - 177
Article 22 <i>Integrated territorial development</i>	<i>[no change]</i>	[no change]	<i>[provisional common understanding]</i> [no change]	I - 178
The Member State shall support integrated territorial development through territorial and local development strategies in any of the	<i>[no change]</i>	The Where a Member State shall supports supports integrated territorial development, it shall do so through territorial and/or local development	<i>[provisional common understanding]</i> The Where a Member State shall supports supports integrated territorial	I - 179

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
following forms:		strategies in any of the following forms:	development, it shall do so through territorial and local development strategies in any of the following forms:	
(a) integrated territorial investments;	<i>[no change]</i>	[no change]	<i>[provisional common understanding]</i> [no change]	I - 180
(b) community-led local development;	<i>[no change]</i>	[no change]	<i>[provisional common understanding]</i> [no change]	I - 181
(c) another territorial tool supporting initiatives designed by the Member State for investments programmed for the ERDF under the policy objective referred in Article 4(1)(e).	<u>Amendment 177</u> (c) another territorial tool supporting initiatives designed by the Member State for investments programmed for the ERDF under the policy objective referred in Article 4(1)(e).	(c) another territorial tool supporting initiatives designed by the Member State for investments programmed for the ERDF under the policy objective referred in Article 4(1)(e).	<i>[provisional common understanding]</i> (c) another territorial tool supporting initiatives designed by the Member State for investments programmed for the ERDF under the policy objective referred in Article 4(1)(e).	I - 182
	<u>Amendment 178</u> <i>The Member State shall ensure coherence and coordination when local development strategies are financed by more than one Fund.</i>		<i>[provisional common understanding]</i> When implementing territorial or local development strategies under more than one Fund, the Member State shall ensure coherence and coordination among the Funds concerned.	I - 183
<i>Article 23</i> <i>Territorial strategies</i>	<i>[no change]</i>	[no change]	<i>[provisional common understanding]</i>	I - 184

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
			[no change]	
1. Territorial strategies implemented pursuant to points (a) or (c) of Article 22 shall contain the following elements:	[no change]	[no change]	[provisional common understanding] [no change]	I - 185
(a) the geographical area covered by the strategy;	<u>Amendment 179</u> (a) the geographical area covered by the strategy including economic, social and environmental interlinkages ;	[no change]	[provisional common understanding] [no change]	I - 186
(b) an analysis of the development needs and the potential of the area;	[no change]	[no change]	[provisional common understanding] b) an analysis of the development needs and the potential of the area, including economic, social and environmental interlinkages ;	I - 187
(c) a description of an integrated approach to address the identified development needs and the potential;	[no change]	(c) a description of an integrated approach to address the identified development needs and the potential of the area ;	[provisional common understanding] (c) a description of an integrated approach to address the identified development needs and the potential of the area ;	I - 188
(d) a description of the involvement of partners in accordance with Article 6 in the preparation and in the implementation of the strategy.	<u>Amendment 180</u> d) a description of the involvement of partners in accordance with under	(d) a description of the involvement of partners in accordance with Article 6 in the preparation and in the implementation of the strategy.	Comment: for political level discussion	I - 189

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	Article 6 in the preparation and in the implementation of the strategy.			
They may also contain a list of operations to be supported.	[no change]	[no change]	[provisional common understanding] [no change]	I - 190
2. Territorial strategies shall be drawn up under the responsibility of the relevant urban, local or other territorial authorities or bodies.	<u>Amendment 181</u> 2. Territorial strategies shall be drawn up prepared and endorsed under the responsibility of the relevant urban regional , local or other territorial public authorities or bodies. Pre-existing strategic documents concerning the covered areas may be updated and used for territorial strategies.	2. Territorial strategies shall be drawn up under the responsibility of the relevant urban, local or other territorial authorities or bodies.	[provisional common understanding] 2. Territorial strategies shall be drawn up under the responsibility of the relevant urban, local or other territorial authorities or bodies. Existing strategic documents concerning the covered areas may be used for territorial strategies.	I - 191
3. Where the list of operations to be supported has not been included in the territorial strategy, the relevant urban, local or other territorial authorities or bodies shall select or shall be involved in the selection of operations.	<u>Amendment 182</u> Where the list of operations to be supported has not been included in the territorial strategy, the relevant urban , regional , local or other territorial authorities or bodies shall select or shall be involved in the selection of operations.	[no change]	[provisional common understanding] 3. Where the list of operations to be supported has not been included in the territorial strategy, the relevant urban, local or other territorial authorities or bodies shall select or shall be involved in the selection of operations.	I - 192
	<u>Amendment 183</u> 3 a. When preparing territorial strategies, the authorities referred to		[provisional common understanding] 3 a. When preparing territorial strategies, the authorities referred	I - 193

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	<i>in paragraph 2 shall cooperate with relevant managing authorities, in order to determine the scope of operations to be supported under the relevant programme.</i>		to in paragraph 2 shall cooperate with relevant managing authorities, in order to determine the scope of operations to be supported under the relevant programme.	
Selected operations shall comply with the territorial strategy.	[no change]	[no change]	[provisional common understanding] [no change]	I - 194
4. Where an urban, local or other territorial authority or body carries out tasks falling under the responsibility of the managing authority other than the selection of operations, the authority shall be identified by the managing authority as an intermediate body.	<u>Amendment 184</u> 4. Where an urban a regional , local or other territorial public authority or other body carries out tasks falling under the responsibility of the managing authority other than the selection of operations, the authority shall be identified by the managing authority as an intermediate body.	[no change]	[provisional common understanding] 4. Where an urban, local or other territorial authority or body carries out tasks falling under the responsibility of the managing authority other than the selection of operations, the authority shall be identified by the managing authority as an intermediate body.	I - 195
	<u>Amendment 185</u> <i>The selected operations may be supported under more than one priority of the same programme.</i>		[provisional common understanding] Comment: EP amendment withdrawn.	I - 196
5. Support may be provided for the preparation and design of territorial strategies.	[no change]	[no change]	[provisional common understanding] [no change]	I - 197
<i>Article 24</i>	[no change]	[no change]	[provisional common understanding]	I - 198

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
<i>Integrated territorial investment</i>			[no change]	
1. Where a strategy implemented in accordance with Article 23 involves investments that receive support from one or more Funds, from more than one programme or from more than one priority of the same programme, actions may be carried out as an integrated territorial investment ('ITI').	<u>Amendment 186</u> 1. Where a strategy implemented in accordance with Article 23 involves investments that receive support from one or more Funds than one Fund , from more than one programme or from more than one priority of the same programme, actions may be carried out as an integrated territorial investment ('ITI'). Where appropriate, each ITI may be complemented by financial support from the EAFRD.	[no change]	<i>[provisional common understanding]</i> 1. Where a strategy implemented in accordance with Article 23 involves investments that receive support from one or more Funds than one Fund , from more than one programme or from more than one priority of the same programme, actions may be carried out as an integrated territorial investment ('ITI'). Where appropriate, each ITI may be complemented by financial support from the EAFRD.	I - 199
2. The managing authority shall ensure that the electronic system for the programme or programmes provides for the identification of operations and outputs and results contributing to an ITI.	[no change]	2. The managing authority shall ensure that the electronic system for the programme or programmes provides for the identification of operations and outputs and results contributing to an ITI.	Comment: Linked to Block 5	I - 200
	<u>Amendment 187</u> 2a. Where the list of operations to be supported has not been included in the territorial strategy, the relevant regional, local, other public authorities or bodies shall be involved in the selection of		<i>[provisional common understanding]</i> Comment: EP amendment withdrawn.	I - 201

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	<i>operations.</i>			
Article 25 Community-led local development	[no change]	[no change]	[provisional common understanding] [no change]	I - 202
1. The ERDF, the ESF+ and the EMFF may support community-led local development.	<u>Amendment 188</u> 1. The ERDF, the ESF+, and the EMFF and the EAFRD <i>may shall</i> support community-led local development. <i>In the context of the EAFRD, such development shall be designated as LEADER local development.</i>	1. The ERDF, the ESF+ [, the EAFRD as referred to in Regulation XX/XXXX] and the EMFF may support community-led local development.		I - 203
2. The Member State shall ensure that community-led local development is:	[no change]	[no change]	[provisional common understanding still to be agreed at political level] [no change]	I - 204
(a) focused on subregional areas;	[no change]	[no change]	[provisional common understanding still to be agreed at political level] [no change]	I - 205
(b) led by local action groups composed of representatives of public and private local socio-economic interests, in which no single interest group controls the decision-making;	<u>Amendment 189</u> (b) led by local action groups composed of representatives of public and private local socio-economic interests, in which no single interest group, <i>including the public</i>	(b) led by local action groups composed of representatives of public and private local socio-economic interests, in which no single interest group controls control the decision-making;	[provisional common understanding still to be agreed at political level] [no change]	I - 206

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	sector , controls the decision-making;			
(c) carried out through integrated strategies in accordance with Article 26;	<i>[no change]</i>	[no change]	<i>[provisional common understanding still to be agreed at political level]</i> [no change]	I - 207
(d) supportive of networking, innovative features in the local context and, where appropriate, cooperation with other territorial actors.	<u>Amendment 190</u> (d) supportive of networking, bottom-up approaches, accessibility , innovative features in the local context and, where appropriate, cooperation with other territorial actors.	[no change]	<i>[provisional common understanding still to be agreed at political level]</i> d) supportive of networking, accessibility , innovative features in the local context and, where appropriate, cooperation with other territorial actors.	I - 208
3. Where support to strategies referred to in paragraph 2(c) is available from more than one Fund, the relevant managing authorities shall organise a joint call for selection of those strategies and establish a joint committee for all the Funds concerned to monitor the implementation of those strategies. The relevant managing authorities may choose one of the Funds concerned to support all preparatory, management and animation costs referred to in points (a) and (c) of Article 28(1) related to those strategies.	<i>[no change]</i>	[no change]	<i>[provisional common understanding still to be agreed at political level]</i> [no change]	I - 209

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
4. Where the implementation of such a strategy involves support from more than one Fund, the relevant managing authorities may choose one of the Funds concerned as the Lead Fund.	<u>Amendment 191</u> 4. Where the implementation of such a strategy involves support from more than one Fund, the relevant managing authorities may choose one of the Funds concerned as the Lead Fund. <i>The type of measures and operations to be financed by each affected Fund may also be specified.</i>	[no change]	<i>[provisional common understanding still to be agreed at political level]</i> [no change]	I - 210
5. The rules of the Lead Fund shall apply to that strategy. The authorities of other funds shall rely on decisions and management verifications made by the competent Lead Fund authority.	[no change]	[no change]	<i>[provisional common understanding still to be agreed at political level]</i> [no change]	I - 211
6. The authorities of the Lead Fund shall provide the authorities of other Funds with information necessary to monitor and make payments in accordance with the rules set out in the Fund-specific Regulation.	[no change]	[no change]	<i>[provisional common understanding still to be agreed at political level]</i> [no change]	I - 212
		7. Where the European Agricultural Fund for Rural Development (EAFRD) supports strategies referred to in paragraph 2(c) via LEADER, in accordance with Article [71] of Regulation [CAP Plan], paragraphs 3 to 6 shall	<i>[provisional common understanding still to be agreed at political level]</i> 7. Where the European Agricultural Fund for Rural Development (EAFRD) supports strategies referred to in paragraph	I - 213

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
		also apply to the EAFRD and to the respective programme authorities.	2(c) via LEADER, in accordance with Article [71] of Regulation [CAP Plan], paragraphs 3 to 6 shall also apply to the EAFRD and to the respective programme authorities.	
<i>Article 26 Community-led local development strategies</i>	<i>[no change]</i>	[no change]	<i>[provisional common understanding still to be agreed at political level]</i> [no change]	I - 214
1. The relevant managing authorities shall ensure that each strategy referred to in Article 25(2)(c) sets out the following elements:	<i>[no change]</i>	[no change]	<i>[provisional common understanding still to be agreed at political level]</i> [no change]	I - 215
(a) the geographical area and population covered by that strategy;	<i>[no change]</i>	[no change]	<i>[provisional common understanding still to be agreed at political level]</i> [no change]	I - 216
(b) the community involvement process in the development of that strategy;	<i>[no change]</i>	[no change]	<i>[provisional common understanding still to be agreed at political level]</i> [no change]	I - 217
(c) an analysis of the development needs and potential of the area;	<i>[no change]</i>	[no change]	<i>[provisional common understanding still to be agreed at political level]</i> [no change]	I - 218
(d) the objectives of that strategy, including measurable targets for	<u>Amendment 192</u>	[no change]	<i>[provisional common understanding still to be agreed at political level]</i>	I - 219

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
results, and related planned actions;	(d) the objectives of that strategy, including measurable targets for results, and related planned actions <i>in response to local needs as identified by the local community</i> ;		<i>still to be agreed at political level</i> [no change]	
			<i>[provisional common understanding still to be agreed at political level]</i> (d) The type of measures and operations to be financed by each affected Fund may also be specified;	I – 219A
(e) the management, monitoring and evaluation arrangements, demonstrating the capacity of the local action group to implement that strategy;	<i>[no change]</i>	[no change]	<i>[provisional common understanding still to be agreed at political level]</i> [no change]	I - 220
(f) a financial plan, including the planned allocation from each Fund and programme concerned.	<u>Amendment 193</u> f) a financial plan, including the planned allocation from each Fund, including where appropriate the EAFRD , and each programme concerned.	[no change]	<i>[provisional common understanding still to be agreed at political level]</i> f) a financial plan, including the planned allocation from each Fund, including where appropriate the EAFRD , and each programme concerned.	I - 221
2. The relevant managing authorities shall define criteria for the selection of those strategies, set up a	<i>[no change]</i>	[no change]	<i>[provisional common understanding still to be agreed at political level]</i>	I - 222

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
committee to carry out this selection and approve the strategies selected by that committee.			[no change]	
3. The relevant managing authorities shall complete the first round of selection of strategies and ensure the local action groups selected can fulfil their tasks set out in Article 27(3) within 12 months of the date of the approval of the relevant programme or, in the case of strategies supported by more than one Fund, within 12 months of the date of the approval of the last programme concerned.	[no change]	3. The relevant managing authorities shall complete the first round of selection of strategies and ensure the local action groups selected can fulfil their tasks set out in Article 27(3) within 12 months of the date of the approval of the relevant programme or, in the case of strategies supported by more than one Fund, within 12 18 months of the date of the approval of the last programme concerned.	Comment: For political level discussion	I - 223
4. The decision approving a strategy shall set out the allocation of each Fund and programme concerned and set out the responsibilities for the management and control tasks under the programme or programmes.	<u>Amendment 194</u> 4. The decision approving a strategy shall set out the allocation of each Fund and programme concerned and set out the responsibilities for the management and control tasks under the programme or programmes. <i>Corresponding national public contributions shall be guaranteed upfront for the whole period.</i>	[no change]		I - 224
<i>Article 27 Local action groups</i>	[no change]	[no change]	[provisional common understanding still to be agreed at political level]	I - 225

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
			[no change]	
1. Local action groups shall design and implement the strategies referred to in Article 25(2)(c).	[no change]	[no change]	[provisional common understanding still to be agreed at political level] [no change]	I - 226
2. The managing authorities shall ensure that the local action groups either select one partner within the group as a lead partner in administrative and financial matters, or come together in a legally constituted common structure.	<u>Amendment 195</u> 2. The managing authorities shall ensure that the local action groups are inclusive, and that they either select one partner within the group as a lead partner in administrative and financial matters, or come together in a legally constituted common structure, in order to implement tasks relating to the community-led local development strategy .	[no change]	[provisional common understanding still to be agreed at political level] 2. The managing authorities shall ensure that the local action groups are inclusive, and that they either select one partner within the group as a lead partner in administrative and financial matters, or come together in a legally constituted common structure,	I - 227
3. The local action groups, exclusively, shall carry out all of the following tasks:	[no change]	[no change]	[provisional common understanding still to be agreed at political level] [no change]	I - 228
(a) building the capacity of local actors to develop and implement operations;	<u>Amendment 196</u> (a) building the administrative capacity of local actors to develop and implement operations;	[no change]	[provisional common understanding still to be agreed at political level] [no change]	I - 229
(b) drawing up a non-discriminatory and transparent selection procedure	[no change]	[no change]	[provisional common understanding still to be agreed at political level]	I - 230

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
and criteria, which avoids conflicts of interest and ensures that no single interest group controls selection decisions;			[no change]	
(c) preparing and publishing calls for proposals;	<i>[no change]</i>	[no change]	<i>[provisional common understanding still to be agreed at political level]</i> [no change]	I - 231
(d) selecting operations and fixing the amount of support and presenting the proposals to the body responsible for final verification of eligibility before approval;	<i>[no change]</i>	[no change]	<i>[provisional common understanding still to be agreed at political level]</i> [no change]	I - 232
(e) monitoring progress towards the achievement of objectives of the strategy;	<i>[no change]</i>	[no change]	<i>[provisional common understanding still to be agreed at political level]</i> [no change]	I - 233
(f) evaluating the implementation of the strategy.	<i>[no change]</i>	[no change]	<i>[provisional common understanding still to be agreed at political level]</i> [no change]	I - 234
4. Where local action groups carry out tasks not covered by paragraph 3 that fall under the responsibility of the managing authority or of the paying agency, those local action groups shall be identified by the	<i>[no change]</i>	4. Where local action groups carry out tasks not covered by paragraph 3 that fall under the responsibility of the managing authority or of the paying agency , those local action groups shall be identified by the	Comment: To be discussed under the EAFRD - Block 7	I - 235

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
managing authority as intermediate bodies in accordance with the Fund-specific rules.		managing authority as intermediate bodies in accordance with the Fund-specific rules.		
5. The local action group may be a beneficiary and may implement operations in accordance with the strategy.	<u>Amendment 197</u> 5. The local action group may be a beneficiary and may implement operations in accordance with the strategy, encouraging the separation of functions inside the local action group.	[no change]	[provisional common understanding still to be agreed at political level] 5. The local action group may be a beneficiary and may implement operations in accordance with the strategy, ensuring the separation of functions inside the local action group.	I - 236
<i>Article 28</i> <i>Support from Funds for community-led local development</i>	[no change]	[no change]	[provisional common understanding still to be agreed at political level] [no change]	I - 237
1. The Member State shall ensure that support from the Funds for community-led local development covers:	<u>Amendment 198</u> 1. With a view to ensuring complementarities and synergies , the Member State shall ensure that support from the Funds for community-led local development covers:	1. The Member State shall ensure that Support from the Funds for community-led local development covers shall cover:	[provisional common understanding still to be agreed at political level] [no change]	I - 238
(a) capacity building and preparatory actions supporting the design and future implementation of the strategies;	<u>Amendment 199</u> (a) administrative capacity building and preparatory actions supporting the design and future implementation	[no change]	[provisional common understanding still to be agreed at political level] [no change]	I - 239

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	of the strategies;			
(b) the implementation of operations, including cooperation activities and their preparation, selected under the local development strategy;	[no change]	[no change]	[provisional common understanding still to be agreed at political level] [no change]	I - 240
	<u>Amendment 200</u> <i>(ba) animation of the community-led local development strategy in order to facilitate exchange between stakeholders, to provide them with information and to support potential beneficiaries in their preparation of applications;</i>		[provisional common understanding still to be agreed at political level] Comment: EP amendment withdrawn.	I - 241
(c) the management, monitoring and evaluation of the strategy and its animation.	[no change]	[no change]	[provisional common understanding still to be agreed at political level] (c) the management, monitoring and evaluation of the strategy and its animation, including the facilitation of exchanges between stakeholders;	I - 242
2. The support referred to under point (a) of paragraph 1 shall be eligible regardless of whether the strategy is subsequently selected for funding.	[no change]	[no change]	[provisional common understanding still to be agreed at political level] [no change]	I - 243
The support referred to under point	[no change]	[no change]	[provisional common understanding	I - 244

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
(c) of paragraph 1 shall not exceed 25 % of the total public contribution to the strategy.			<i>still to be agreed at political level]</i> [no change]	
CHAPTER III Technical assistance	<i>[no change]</i>	[no change]	<i>[provisional common understanding still to be agreed at political level]</i> [no change]	I - 245
<i>Article 29 Technical assistance at the initiative of the Commission</i>	<i>[no change]</i>	[no change]	<i>[provisional common understanding still to be agreed at political level]</i> [no change]	I - 246
1. At the initiative of the Commission, the Funds may support preparatory, monitoring, control, audit, evaluation, communication including corporate communication on the political priorities of the Union, visibility and all administrative and technical assistance actions necessary for the implementation of this Regulation and, where appropriate with third countries.	<i>[no change]</i>	[no change]	<i>[provisional common understanding still to be agreed at political level]</i> [no change]	I - 247
	<u>Amendment 201</u> <i>1a. The actions referred to in the first subparagraph may include in particular:</i>		Comment: For Political level discussion; EP AM 201 is the current CPR and EP AM 202 is the text agreed under the “omnibus regulation”;	I - 248

Commission proposal COM(2018)375	European Parliament position (EP amendments) <i>(Plenary mandate 13/2/19)</i>	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	<p><i>(a) assistance for project preparation and appraisal;</i></p> <p><i>(b) support for institutional strengthening and administrative capacity-building for the effective management of the Funds;</i></p> <p><i>(c) studies linked to the Commission's reporting on the Funds and the cohesion report;</i></p> <p><i>(d) measures related to the analysis, management, monitoring, information exchange and implementation of the Funds, as well as measures relating to the implementation of control systems and technical and administrative assistance;</i></p> <p><i>(e) evaluations, expert reports, statistics and studies, including those of a general nature, concerning the current and future operation of the Funds;</i></p> <p><i>(f) actions to disseminate information, support networking where appropriate, carry out communication activities with particular attention to the results</i></p>			

Commission proposal COM(2018)375	European Parliament position (EP amendments) <i>(Plenary mandate 13/2/19)</i>	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	<p><i>and added value of support from the Funds, and to raise awareness and promote cooperation and exchange of experience, including with third countries;</i></p> <p><i>(g) the installation, operation and interconnection of computerised systems for management, monitoring, audit, control and evaluation;</i></p> <p><i>(h) actions to improve evaluation methods and the exchange of information on evaluation practices;</i></p> <p><i>(i) actions related to auditing;</i></p> <p><i>(j) the strengthening of national and regional capacity regarding investment planning, funding needs, preparation, design and implementation of financial instruments, joint action plans and major projects;</i></p> <p><i>(k) the dissemination of good practices in order to assist Member States to strengthen the capacity of the relevant partners referred to in Article 6(1) and their umbrella organisations.</i></p>			

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	<p><u>Amendment 202</u></p> <p><i>1b. The Commission shall dedicate at least 15 % of the resources for technical assistance at the initiative of the Commission to bring about greater efficiency in communication to the public and stronger synergies between the communication activities undertaken at the initiative of the Commission, by extending the knowledge base on results, in particular through more effective data collection and dissemination, evaluations and reporting, and especially by highlighting the contribution of the Funds to improving the lives of citizens, and by increasing the visibility of support from the Funds as well as by raising awareness about the results and the added value of such support. Information, communication and visibility measures on results and added value of support from the Funds, with particular focus on operations, shall be continued after the closure of the programmes, where appropriate. Such measures shall also contribute to the corporate communication of the political priorities of the Union as far as they</i></p>			I - 249

Commission proposal COM(2018)375	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
	<i>are related to the general objectives of this Regulation.</i>			
2. Such actions may cover future and previous programming periods.	<u>Amendment 203</u> 2. Such actions may cover future and previous and future programming periods.	[no change]	<i>[provisional common understanding still to be agreed at political level]</i> 2. Such actions may cover future and previous and future programming periods.	I - 250
	<u>Amendment 204</u> <i>2a. In order to avoid situations where payments are suspended, the Commission shall ensure that Member States and regions which face compliance concerns due to a lack of administrative capacity receive adequate technical assistance to improve that administrative capacity.</i>			I - 251
3. The Commission shall set out its plans when a contribution from the Funds is envisaged in accordance with Article [110] of the Financial Regulation.	<i>[no change]</i>	[no change]	<i>[provisional common understanding still to be agreed at political level]</i> [no change]	I - 252
4. Depending on the purpose, the actions referred to in this Article can be financed either as operational or administrative expenditure.	<i>[no change]</i>	[no change]	<i>[provisional common understanding still to be agreed at political level]</i> [no change]	I - 253

Commission proposal	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
Article 30 Technical assistance of Member States	Article 30 Technical assistance of Member States ⁵	Article 30 Technical assistance of Member States ⁶	Comment: Most of the Article for political level discussion, otherwise specified.	I - 254

⁵ European Parliament: *Recital (25) will be amended as follows:* (25) In order to reduce the administrative burden, technical assistance at the initiative of the Member State should be implemented through a flat rate based on progress in programme implementation. That technical assistance may be complemented with targeted administrative capacity building measures, ***such as the evaluation of the skills set of human resources***, using reimbursement methods that are not linked to costs. Actions and deliverables as well as corresponding Union payments can be agreed in a roadmap and can lead to payments for results on the ground.

⁶ Council: **Changes made in Article 30 entail changes in recital 25 and in the following Articles: 8, 12, 17, 37, 85 and 88 CPR.**

Recital (25) will be amended as follows:

(25) In order to reduce the administrative burden, **it should be possible to implement** technical assistance **linked to programme implementation** at the initiative of the Member State ~~should be implemented~~ through a flat rate based on progress in programme implementation **and to cover also horizontal tasks. In order to facilitate financial management, Member States should have the possibility to indicate one or more bodies to which related payments by the Commission should be made. Since these payments are based on the application of a flat-rate, there should be no controls of underlying expenditure.**

Nevertheless, where continuity with the 2014-2020 period is preferred, the Member State should also be provided with the possibility to continue to implement technical assistance through a separate programme or priorities within a programme and to receive reimbursement of eligible costs actually incurred by the beneficiary and paid in implementing operations. The Member State should indicate its choice of the form of Union contribution for technical assistance for the entire programming period. However, in order to simplify the implementation for the AMIF, the ISF and the BMVI and for Interreg programmes, only the flat-rate approach should be used. Regardless of the option chosen, That technical assistance may be complemented with targeted administrative capacity building measures using reimbursement methods that are not linked to costs. Actions and deliverables as well as corresponding Union payments can be agreed in a roadmap and can lead to payments for results on the ground.

Article 37- Transmission of data will be amended as follows:

New sub-paragraph in paragraph 2: **This paragraph shall not comprise data for technical assistance implemented pursuant to Article 30(5) and point (b) shall not apply to technical assistance implemented pursuant to Article 32.**

Commission proposal	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
1. At the initiative of a Member State, the Funds may support actions, which may concern previous and subsequent programming periods, necessary for the effective administration and use of those Funds.	<u>Amendment 205</u> 1. At the initiative of a Member State, the Funds may support actions, which may concern previous and subsequent programming periods, necessary for the effective administration and use of those Funds, <i>for the capacity building of the partners referred to in Article 6, as well as to ensure functions such as preparation, training, management, monitoring, evaluation, visibility and communication.</i>	[no change]	Comment: it needs an addition, i.e. “ <u>including</u> for the capacity building of the partners referred to in Article 6, as well as to ensure functions such as preparation, training, management, monitoring, evaluation, visibility and communication ”	I - 255
		<i>The amounts for technical assistance shall not be taken into account for the purposes of thematic concentration in accordance with the fund-specific rules.</i>	[provisional common understanding still to be agreed at political level] The amounts for technical assistance shall not be taken into account for the purposes of thematic concentration in accordance with the fund-specific rules.	I - 256

Article 85(3)(b) – Payment applications will be amended as follows:

(b) the amount for technical assistance calculated in accordance with Article 30(5)(b) where applicable;

Article 88 – Reimbursement based on unit cost, lump sums, flat rates will be amended as follows:

5 (new). This Article shall not apply to the Union contribution for technical assistance reimbursed pursuant to point (e) of Article 46.

Commission proposal	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
2. Each Fund may support technical assistance actions eligible under any of the other Funds.	[no change]	[no change]	[provisional common understanding still to be agreed at political level] [no change]	I - 257
3. Within each programme, technical assistance shall take the form of a priority relating to one single Fund.	<u>Amendment 206</u> 3. Within each programme, technical assistance shall take the form of a priority relating to either one single Fund or several Funds .	3. Within each programme, technical assistance shall take the form of a priority relating to one single Fund.		I - 258
		3. The Union contribution for technical assistance in a Member State shall be made either pursuant to point (b) of Article 46 or pursuant to point (e) of that Article.		I - 259
		The Member State shall indicate its choice of the form of Union contribution for technical assistance in the Partnership Agreement in accordance with Annex II, or as part of the comprehensive set of information in accordance with Annex IIbis. This choice shall apply to all programmes in the Member State concerned for the entire programming period and cannot		I - 260

Commission proposal	European Parliament position (EP amendments) <i>(Plenary mandate 13/2/19)</i>	Council position <i>(Coreper mandate 19/12/18)</i>	Compromise proposal, comments	Row
		<i>be modified subsequently.</i>		
		<i>For programmes supported by the AMIF, the ISF and the BMVI and for Interreg programmes the Union contribution for technical assistance shall be made only pursuant to point (e) of Article 46.</i>		I - 261
		<i>4. Where the Union contribution for technical assistance in a Member State is reimbursed pursuant to point (b) of Article 46, the following elements shall apply:</i>		I - 262
		<i>(a) technical assistance shall take the form of a priority relating to one single Fund in one or more programmes, or of a specific programme, or a combination thereof;</i>		I - 263
		<i>(b) the amount of the Funds allocated to technical assistance is limited to the following:</i> <i>(i) for the ERDF support under the Investment for jobs and growth goal: 3,5%</i> <i>(ii) for the Cohesion Fund support: 2,5 %;</i>		I - 264

Commission proposal	European Parliament position (EP amendments) <i>(Plenary mandate 13/2/19)</i>	Council position <i>(Coreper mandate 19/12/18)</i>	Compromise proposal, comments	Row
		<p><i>(iii) for the ESF+ support: 4% and for programmes under Article 4(1)(xi) of the ESF+ Regulation: 5 %;</i></p> <p><i>(iv) for the ERDF, ESF+ and Cohesion Fund, where the total amount allocated to a Member State under the Investment for jobs and growth goal does not exceed EUR 1 billion: 6%.</i></p> <p><i>(v) for the EMFF support: 6 %.</i></p>		
		<p><i>5. Where the Union contribution for technical assistance is reimbursed pursuant to point (e) of Article 46, the following elements shall apply:</i></p>		I - 265
		<p><i>(a) the amount of the Funds allocated to technical assistance shall be identified as part of the financial allocations of each priority of the programme in accordance with point (ii) of Article 17(3)(f) and shall not take the form of a separate priority or a specific programme⁷ except for</i></p>		I - 266

⁷ N.B. To be aligned throughout the text with the finally agreed nomenclature for the EMFF, in line with Annex II of the EMFF Regulation.

Commission proposal	European Parliament position (EP amendments) <i>(Plenary mandate 13/2/19)</i>	Council position <i>(Coreper mandate 19/12/18)</i>	Compromise proposal, comments	Row
		<i>programmes supported by the AMIF, the ISF and the BMVI for which it shall take the form of a specific objective;</i>		
		<p><i>(b) the reimbursement is made, by applying the percentages set out in points (i) to (v) to the eligible expenditure included in each payment application pursuant to Article 85(3)(a) or (c) as appropriate and from the same fund to which the eligible expenditure is reimbursed, to one or more bodies which receive payments from the Commission in accordance with Article 17(3)(j);</i></p> <p><i>(i) for the ERDF support under the Investment for jobs and growth goal: 3,5%</i></p> <p><i>(ii) for the Cohesion Fund support: 2,5 %;</i></p> <p><i>(iii) for the ESF+ support: 4% and for programmes under Article 4(1)(xi) of the ESF+ Regulation: 5 %;</i></p>		I - 267

Commission proposal	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
		<p><i>(iv) for the ERDF, ESF+ and Cohesion Fund, where the total amount allocated to a Member State under the Investment for jobs and growth goal does not exceed EUR 1 billion, the percentage reimbursed for technical assistance: 6%.</i></p> <p><i>(v) for the EMFF, the AMIF, the ISF and the BMVI support: 6 %.</i></p>		
		<i>(c) the amounts allocated to technical assistance identified in the programme shall correspond to the percentages set out in points (i)-(v) of point (b) for each priority and fund.</i>		I - 268
		<i>6. Specific rules for technical assistance for Interreg programmes shall be set out in the ETC Regulation.</i>		I - 269
<i>Article 31</i> <i>Flat-rate financing for technical assistance of Member States</i>	<i>[no change]</i>	<i>Article 31</i> <i>Flat-rate financing for technical assistance of Member States</i>	Comment: Full article for political level discussion	I - 270
1. Technical assistance to each programme shall be reimbursed as a flat-rate by applying the percentages set out in paragraph 2 to the eligible	<i>[no change]</i>	1. Technical assistance to each programme shall be reimbursed as a flat-rate by applying the percentages set out in paragraph 2		I - 271

Commission proposal	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
expenditure included in each payment application pursuant to Article 85(3)(a) or (c) as appropriate.		to the eligible expenditure included in each payment application pursuant to Article 85(3)(a) or (c) as appropriate.		
2. The percentage of the Funds reimbursed for technical assistance shall be the following:	<u>Amendment 207</u> 2. <i>On the basis of an agreement between the Commission and the Member States and taking into account the programme financial plan</i>, the percentage of the Funds reimbursed for technical assistance <i>may be up to</i> shall be the following:	2. The percentage of the Funds reimbursed for technical assistance shall be the following:		I - 272
(a) for the ERDF support under the Investment for jobs and growth goal, and for the Cohesion Fund support: 2,5 %;	<u>Amendment 208</u> (a) for the ERDF support under the Investment for jobs and growth goal, and for the Cohesion Fund support: 2.5% 3 % ;	(a) for the ERDF support under the Investment for jobs and growth goal, and for the Cohesion Fund support: 2,5 %;		I - 273
(b) for the ESF+ support: 4% and for programmes under Article 4(1)(c)(vii) of the ESF+ Regulation: 5 %;	<u>Amendment 209</u> (b) for the ESF+ support: 4% 5 % and for programmes under Article 4(1)(c)(vii) 4(1)(xi) of the ESF+ Regulation: 5% 6 % ;	(b) for the ESF+ support: 4% and for programmes under Article 4(1)(c)(vii) of the ESF+ Regulation: 5 %;		I - 274
(c) for the EMFF support: 6 %;	<i>[no change]</i>	(c) for the EMFF support: 6 %;		I - 275

Commission proposal	European Parliament position (EP amendments) (Plenary mandate 13/2/19)	Council position (Coreper mandate 19/12/18)	Compromise proposal, comments	Row
(d) for the AMIF, the ISF and the BMVI support: 6 %.	<u>Amendment 210</u> (d) for the AMIF, the ISF and the BMVI support: 6% 7 %.	(d) for the AMIF, the ISF and the BMVI support: 6 %.		I - 276
	<u>Amendment 211</u> <i>For the outermost regions, for (a), (b), (c) the percentage shall be up to 1% higher.</i>			I - 277
3. Specific rules for technical assistance for Interreg programmes shall be set out in the ETC Regulation .	[no change]	3. Specific rules for technical assistance for Interreg programmes shall be set out in the ETC Regulation .		I - 278
<i>Article 32 Financing not linked to costs for technical assistance of Member States</i>	[no change]	[no change]	Comment: Full Article for Political level discussion	I - 279
In addition to Article 31, the Member State may propose to undertake additional technical assistance actions to reinforce the capacity of Member State authorities, beneficiaries and relevant partners necessary for the effective administration and use of the Funds.	<u>Amendment 212</u> In addition to Article 31, the Member State may propose to undertake additional technical assistance actions to reinforce the <i>institutional</i> capacity of Member State <i>and efficiency of public</i> authorities <i>and services</i> , beneficiaries and relevant partners necessary for the effective	In addition to Article 31 30 , the Member State may propose to undertake additional technical assistance actions to reinforce the capacity of Member State authorities, beneficiaries and relevant partners necessary for the effective administration and use of the Funds.		I - 280

Commission proposal	European Parliament position (EP amendments) <i>(Plenary mandate 13/2/19)</i>	Council position <i>(Coreper mandate 19/12/18)</i>	Compromise proposal, comments	Row
	administration and use of the Funds.			
Support for such actions shall be implemented by financing not linked to costs in accordance with Article 89.	<u>Amendment 213</u> Support for such actions shall be implemented by financing not linked to costs in accordance with Article 89. <i>Technical assistance in the form of an optional specific programme may be implemented either through financing not linked to costs for technical assistance or through reimbursement of direct costs.</i>	Support for such actions shall be implemented by financing not linked to costs in accordance with Article 89. <i>Such support may also take the form of a specific programme containing the elements set out in Article 89(1).</i>		I - 281
ANNEXES⁸	ANNEXES	ANNEXES		I - 282
ANNEX I: Dimensions and codes for the types of intervention for the ERDF, the ESF+ and the Cohesion Fund - Article 17(5)				I - 283
ANNEX II: Template for Part. Agreement - Art 7(4)				I - 284
		<i>ANNEX IIbis Template for comprehensive set of information - Article 8(2)</i>		I - 285
ANNEX V: Template for programmes supported from the				I - 286

⁸ Detailed changes proposed by the co-legislators in the core text of the Annexes will be discussed using a separate document.

Commission proposal	European Parliament position (EP amendments) <i>(Plenary mandate 13/2/19)</i>	Council position <i>(Coreper mandate 19/12/18)</i>	Compromise proposal, comments	Row
ERDF (Investment for Jobs and growth goal), ESF+, the Cohesion Fund and the EMFF – Article 16(3)				
<i>APPENDIX 3: EMFF action plan for small-scale coastal fishing</i>				I - 287
<i>APPENDIX 4: EMFF action plan for each outermost region</i>				I - 288
ANNEX VI: Template of a programme for the AMIF, the ISF and the BMVI – Article 16(3)				I - 289