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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 1303/2013 as regards specific measures to provide additional assistance to Member States affected by natural disasters - Outcome of the European Parliament's first reading (Strasbourg, 12 to 15 June 2017)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the joint declaration on practical arrangements for the codecision procedure ¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for second reading and conciliation.

¹ OJ C 145, 30.6.2007, p.5

In this context, the rapporteur, Iskra MIHAYLOVA (ALDE, BG) presented a compromise amendment to the proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 1303/2013 as regards specific measures to provide additional assistance to Member States affected by natural disasters, on behalf of the Committee on Regional Development (amendment 2). This amendment had been agreed during the informal contacts referred to above.

II. VOTE

When it voted on 13 June 2017, the Parliament adopted the compromise amendment (amendment 2) to the proposal for a Regulation.

The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto².

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

² The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

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Specific measures to provide additional assistance to Member States affected by natural disasters *I**

European Parliament legislative resolution of 13 June 2017 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1303/2013 as regards specific measures to provide additional assistance to Member States affected by natural disasters (COM(2016)0778 – C8-0489/2016 – 2016/0384(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0778),
 - having regard to Article 294(2) and Article 177 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0489/2016),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 22 February 2017³,
 - after consulting the Committee of the Regions,
 - having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 24 May 2017 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Development (A8-0070/2017),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

³ OJ C 173, 31.5.2017, p. 38.

Position of the European Parliament adopted at first reading on 13 June 2017 with a view to the adoption of Regulation (EU) 2017/... of the European Parliament and of the Council amending Regulation (EU) No 1303/2013 as regards specific measures to provide additional assistance to Member States affected by natural disasters

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 177 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee⁴,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure⁵,

⁴ OJ C 173, 31.5.2017, p. 38.

⁵ Position of the European Parliament of 13 June 2017.

Whereas:

- (1) Regulation (EU) No 1303/2013 of the European Parliament and of the Council⁶ lays down the common and general rules applicable to the European Structural and Investment Funds, including the European Regional Development Fund ('ERDF'). In order to provide additional assistance to Member States affected by natural disasters, it should be possible to introduce a separate priority axis within an operational programme, with a co-financing rate of up to **95 % to** cover the ERDF investment priorities as set out in Regulation (EU) No 1301/2013 of the European Parliament and of the Council⁷.
- (2) The operations to be co-financed under the separate priority axis for natural disasters should be those aimed at reconstruction in response to major or regional natural disasters as defined in Council Regulation (EC) No 2012/2002⁸.

⁶ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

⁷ Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013 on the European Regional Development Fund and on specific provisions concerning the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006 (OJ L 347, 20.12.2013, p. 289).

⁸ Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund (OJ L 311, 14.11.2002, p. 3).

- (3) For operations under the separate priority axis for natural disasters, it is necessary to introduce a derogation from the general rules concerning the starting date of eligibility of expenditure in relation to expenditure that becomes eligible as a result of an amendment of a programme, to ensure the possibility of co-financing measures taken by Member State authorities directly after a disaster occurs, but before the operational programme is amended.
- (4) In order to allow for the eligibility of expenditure incurred and paid as from the date when the natural disaster occurred, even if that is before the entry into force of this Regulation, the corresponding provision on the starting date of eligibility of expenditure of beneficiaries should have retroactive effect.
- (5) Regulation (EU) No 1303/2013 should be therefore amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1
Amendment to Regulation (EU) No 1303/2013

In Article 120 of Regulation (EU) No 1303/2013, the following paragraph is added:

- '8. A separate priority axis with a co-financing rate of up to **95 %** may be established within an operational programme to support operations which fulfil all of the following conditions:
- (a) the operations are selected by managing authorities in response to major or regional natural disasters as defined in Article 2(2) and (3) of Council Regulation (EC) No 2012/2002*;
 - (b) the operations are aimed at reconstruction in response to the natural disaster; and

(c) the operations are supported under an ERDF investment priority.

The amount allocated to the operations referred to in the first subparagraph shall not exceed 5 % of the total ERDF allocation in a Member State for the 2014-2020 programming period.

By way of derogation from Article 65(9), expenditure for operations under this priority axis shall be eligible from the date when the natural disaster occurred.

Where expenditure in relation to operations referred to in the first subparagraph has been included in a payment application submitted to the Commission before the establishment of the separate priority axis, the Member State shall make the necessary adjustments to the next payment application and, where appropriate, to the next accounts submitted following the adoption of the amendment to the programme.

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- * Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund (OJ L 311, 14.11.2002, p. 3).'

Article 2

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 1 shall apply from 1 January 2014.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ...

For the European Parliament

The President

For the Council

The President
