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**NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee

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No. Cion doc.: COM(2018) 375 final

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Subject: Common Provisions Regulation  
- Progress report

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**I. INTRODUCTION**

1. On 29 May 2018, the Commission adopted the proposal for the Common Provisions Regulation (CPR)<sup>1</sup>. The original CPR sets out common provisions for seven shared management funds: the Cohesion Fund, the European Maritime and Fisheries Fund, the European Regional Development Fund, the European Social Fund Plus, the Asylum and Migration Fund, the Border Management and Visa Instrument and the Internal Security Fund.

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<sup>1</sup> Doc. 9511/18 + ADD 1.

2. The CPR was presented to the Structural Measures Working Party in June 2018 during the Bulgarian Presidency. The detailed examination of the CPR took place under the Austrian and the Romanian Presidencies. In order to make the discussions more effective and efficient, work within the Council on the CPR was divided in thematic blocks. The Permanent Representatives Committee endorsed (partial) mandates for negotiations with the European Parliament on the various CPR blocks<sup>2</sup> on 17 December 2018 under Austrian Presidency, and on 15 February, 3 and 17 April, and 29 May 2019 during the Romanian Presidency.
3. On 14 January 2020, together with the proposal for establishing the Just Transition Fund (JTF), the Commission proposed various amendments to the CPR<sup>3</sup> in order to embed the JTF as a new fund under the umbrella rules of the CPR. On 28 May 2020, following the COVID-19 outbreak, and as part of the revised MFF 2021-27 and of the Recovery Package, the Commission proposed various amendments to the Cohesion policy legislative package 2021-2027, including additional amendments to the CPR<sup>4</sup>. Both amended Commission proposals for the CPR were presented to the Structural Measures Working Party on 4 June, during the Croatian Presidency, followed by detailed examination on 15 June. The Structural Measures Working Party discussed the Presidency compromise proposals on the amended CPR at its meetings on 3, 9 and 16 July, under the German Presidency. On 22 July 2020, the Permanent Representatives Committee endorsed a (partial) mandate for negotiations with the European Parliament as regards both amended Commission proposals for the CPR<sup>5</sup>.
4. On 5 October 2020, Coreper endorsed an updated partial mandate for negotiations on the CPR<sup>6</sup>, to take account of the European Council Conclusions adopted in the special meeting of the European Council of 17, 18, 19, 20 and 21 July 2020 and of all related elements included therein.

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<sup>2</sup> Doc. 11149/19 (consolidated version of CPR partial mandates).

<sup>3</sup> Doc. 5259/20 + ADD1.

<sup>4</sup> Doc. 8399/20 + ADD1.

<sup>5</sup> Doc. 9428/20.

<sup>6</sup> Doc. 10879/20.

## II. STATE OF PLAY OF INTER-INSTITUTIONAL NEGOTIATIONS

5. During the German Presidency, 13 technical meetings and 5 political trilogues on the CPR have taken place. Progress on the negotiations in the last months has paved the way to a provisional political agreement reached between Council and Parliament at the last political trilogue on 1 December 2020 on all the Articles of the Regulation, as well as on Annex XXII on allocation methodology and various elements of Annexes III and IV. The results of the negotiations are included in the Annex to this note.
6. Remaining technical work on the recitals and on part of the Annexes of the CPR is to be finalised as soon as possible during the Portuguese Presidency.
7. In the past months, substantial progress has been made during the inter-institutional negotiations with the European Parliament. Moreover, the Structural Measures Working Party has been regularly informed and consulted about the progress on the negotiations. Following the Structural Measures Working Party on 7 December 2020 as well as informal contacts with delegations, **the Presidency is of the view that, based on the principle that "nothing is agreed until everything is agreed", a balanced compromise text has emerged which has been supported by a majority of Member States.**

## III. CONCLUSION

8. The Permanent Representatives Committee is, therefore, invited to take note of the progress made and acknowledge the results achieved on the negotiations with the European Parliament on the Common Provisions Regulation, as set out in the Annex to this note;

**COMMON PROVISIONS REGULATION: Full consolidated version (Recitals and Articles)**

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
		<b>TABLE OF CONTENTS</b>  [... TO BE INSERTED]	<i>Provisional common understanding on a Table of Contents for <u>all</u> Articles (covering all Blocks)</i>	I-1, II-1, III-1, IV-1, VI-1 & VII-1	1
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL		<i>Provisional common understanding</i>  <i>[no change]</i>		2
laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument	laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, <b><i>the European Agricultural Fund for Rural Development</i></b> , and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument			<i>Former</i>	3
laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border	laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, <b><i>The European Agricultural Fund for Rural Development</i></b> , the Just Transition Fund and the European Maritime and Fisheries Fund and financial rules for those and for		<i>Provisional common understanding</i>  <i>[no change]</i>	<i>New</i>	4

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
Management and Visa Instrument	the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument				
THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	<i>[no change]</i>		<i>Provisional common understanding</i> <i>[no change]</i>		5
Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 177, 322(1)(a) and 349 thereof,	<i>[no change]</i>		<i>Provisional common understanding</i> <i>[no change]</i>		6
Having regard to the proposal from the European Commission,	<i>[no change]</i>		<i>Provisional common understanding</i> <i>[no change]</i>		7
After transmission of the draft legislative act to the national parliaments,	<i>[no change]</i>		<i>Provisional common understanding</i> <i>[no change]</i>		8
Having regard to the opinion of the European Economic and Social Committee <sup>7</sup> ,	<i>[no change]</i>		<i>Provisional common understanding</i> <i>[no change]</i>		9
Having regard to the opinion of the Committee of the Regions <sup>8</sup> ,	<i>[no change]</i>		<i>Provisional common understanding</i> <i>[no change]</i>		10
Having regard to the opinion of the Court of Auditors <sup>9</sup> ,	<i>[no change]</i>		<i>Provisional common understanding</i> <i>[no change]</i>		11

7 OJ C [...], [...], p. [...].

8 OJ C [...], [...], p. [...].

9 OJ C [...], [...], p. [...].

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
Acting in accordance with the ordinary legislative procedure,	<i>[no change]</i>		<i>Provisional common understanding</i>  <i>[no change]</i>		12
Whereas:	<i>[no change]</i>		<i>Provisional common understanding</i>  <i>[no change]</i>		13
(1) Article 174 of the Treaty on the Functioning of the European Union ('TFEU') provides that, in order to strengthen its economic, social and territorial cohesion, the Union is to aim at reducing disparities between the levels of development of the various regions and the backwardness of the least favoured regions or islands, and that particular attention is to be paid to rural areas, areas affected by industrial transition, and regions which suffer from severe and permanent natural or demographic handicaps. Article 175 of the TFEU requires that the Union is to support the achievement of these objectives by the action it takes through the European Agricultural Guidance and Guarantee Fund, Guidance Section, the European Social Fund, the European Regional Development Fund, the European Investment Bank and other instruments. Article 322 of the TFEU provides the basis for adopting financial rules determining the procedure to be adopted for establishing and implementing the budget and for presenting and auditing accounts, as well as for checks on the responsibility of financial actors.	(1) Article 174 of the Treaty on the Functioning of the European Union ('TFEU') provides that, in order to strengthen its economic, social and territorial cohesion, the Union is to aim at reducing disparities between the levels of development of the various regions and the backwardness of the least favoured regions or islands, and that particular attention is to be paid to rural areas, areas affected by industrial transition, and regions which suffer from severe and permanent natural or demographic handicaps. <b>These regions particularly benefit from cohesion policy.</b> Article 175 of the TFEU requires that the Union is to support the achievement of these objectives by the action it takes through the European Agricultural Guidance and Guarantee Fund, Guidance Section, the European Social Fund, the European Regional Development Fund, the European Investment Bank and other instruments. Article 322 of the TFEU provides the basis for adopting financial rules determining the procedure to be adopted for establishing and implementing the budget and for		<i>Provisional common understanding</i>  (1) Article 174 of the Treaty on the Functioning of the European Union ('TFEU') provides that, in order to strengthen its economic, social and territorial cohesion, the Union is to aim at reducing disparities between the levels of development of the various regions and the backwardness of the least favoured regions or islands, and that particular attention is to be paid to rural areas, areas affected by industrial transition, and regions which suffer from severe and permanent natural or demographic handicaps. <b>These regions particularly benefit from cohesion policy.</b> Article 175 of the TFEU requires that the Union is to support the achievement of these objectives by the action it takes through the European Agricultural Guidance and Guarantee Fund, Guidance Section, the European Social Fund, the European Regional Development Fund, the European Investment Bank and other instruments. Article 322 of the TFEU provides the basis for adopting financial rules	<i>Link to VII-4</i>	14

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	presenting and auditing accounts, as well as for checks on the responsibility of financial actors.		determining the procedure to be adopted for establishing and implementing the budget and for presenting and auditing accounts, as well as for checks on the responsibility of financial actors.		
	<i>(1 a) It is important for the future of the European Union and its citizens that cohesion policy remains the main investment policy of the Union, keeping its funding in the 2021-2027 period at least at the level of the 2014-2020 programming period. New funding for other areas of activity or programmes of the Union should not be to the detriment of the European Regional Development Fund, the European Social Fund Plus or the Cohesion Fund.</i>		<i>Provisional common understanding</i> <i>[EP AM withdrawn]</i>		15
(2) In order to further develop a coordinated and harmonised implementation of Union Funds implemented under shared management namely the European Regional Development Fund ('ERDF'), the European Social Fund Plus ('ESF+'), the Cohesion Fund, measures financed under shared management in the European Maritime and Fisheries Fund ('EMFF'), the Asylum and Migration Fund ('AMIF'), Internal Security Fund ('ISF') and Integrated Border Management Fund ('BMVI'), financial rules based on Article 322 of the TFEU should be established for all these Funds ('the Funds'), clearly specifying the scope of application of the relevant	(2) In order to further develop a coordinated and harmonised implementation of Union Funds implemented under shared management namely the European Regional Development Fund ('ERDF'), the European Social Fund Plus ('ESF+'), the Cohesion Fund, measures financed under shared management in the European Maritime and Fisheries Fund ('EMFF'), the Asylum and Migration Fund ('AMIF'), Internal Security Fund ('ISF') and Integrated Border Management Fund ('BMVI'), financial rules based on Article 322 of the TFEU should be established for all these Funds ('the Funds'), clearly specifying the scope of application of the			<i>Former</i>	16

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
provisions. In addition, common provisions based on Article 177 of the TFEU should be established to cover policy specific rules for the ERDF, the ESF+, the Cohesion Fund and the EMFF.	relevant provisions. In addition, common provisions based on Article 177 of the TFEU should be established to cover policy specific rules for the ERDF, the ESF+, the Cohesion Fund, <del>and</del> the EMFF <b>and to a specific extent the European Agricultural Fund for Rural Development (EAFRD).</b>				
(2) In order to further develop a coordinated and harmonised implementation of Union Funds implemented under shared management namely the European Regional Development Fund ('ERDF'), the European Social Fund Plus ('ESF+'), the Cohesion Fund, <b>the Just Transition Fund (JTF)</b> , measures financed under shared management in the European Maritime and Fisheries Fund ('EMFF'), the Asylum and Migration Fund ('AMIF'), Internal Security Fund ('ISF') and Integrated Border Management Fund ('BMVI'), financial rules based on Article 322 of the TFEU should be established for all these Funds ('the Funds'), clearly specifying the scope of application of the relevant provisions. In addition, common provisions based on Article 177 of the TFEU should be established to cover policy-specific rules for the ERDF, the ESF+, the Cohesion Fund, <b>the JTF</b> and the EMFF.	(2) In order to further develop a coordinated and harmonised implementation of Union Funds implemented under shared management namely the European Regional Development Fund ('ERDF'), the European Social Fund Plus ('ESF+'), the Cohesion Fund, the Just Transition Fund ('JTF'), measures financed under shared management in the European Maritime and Fisheries Fund ('EMFF'), the Asylum and Migration Fund ('AMIF'), Internal Security Fund ('ISF') and Integrated Border Management Fund ('BMVI'), financial rules based on Article 322 of the TFEU should be established for all these Funds ('the Funds'), clearly specifying the scope of application of the relevant provisions. In addition, common provisions based on Article 177 of the TFEU should be established to cover policy specific rules for the ERDF, the ESF+, the Cohesion Fund, the JTF, the EMFF <b>and to a specific extent the European Agricultural Fund for Rural Development (EAFRD).</b>		<i>Provisional common understanding</i>  <i>[no change]</i>	<i>New</i>  <i>Link to VII-8 and IX-4</i>	17



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
(3) Due to the specificities of each Fund, specific rules applicable to each Fund and to the European territorial cooperation goal (Interreg) under the ERDF should be laid down in separate Regulations ('Fund-specific Regulations') to complement the provisions of this Regulation.	<i>[no change]</i>		Provisional common understanding  <i>[no change]</i>		18
(4) The outermost regions and the northern sparsely populated regions should benefit from specific measures and from additional funding pursuant to Article 349 of the TFEU and Article 2 of Protocol No 6 to the 1994 Act of Accession.	(4) The outermost regions and the northern sparsely populated regions should benefit from specific measures and from additional funding pursuant to Article 349 of the TFEU and Article 2 of Protocol No 6 to the 1994 Act of Accession <i>in order to address their specific disadvantages related to their geographic location.</i>		Provisional common understanding  <del>(4) The outermost regions and the northern sparsely populated regions should benefit from specific measures and from additional funding pursuant to Article 349 of the TFEU and Article 2 of Protocol No 6 to the 1994 Act of Accession.</del>  <i>Comment: COM proposal and EP AM covered by Recitals 4a and 4b</i>		19
			Provisional common understanding  <b>(4a) The outermost regions should benefit from specific measures and from additional funding to offset their structural social and economic situation together with the handicaps resulting from the factors referred to in Article 349 TFEU.</b>		19a
			Provisional common understanding  <b>(4b) The northern sparsely populated regions should benefit from specific</b>		19b

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			<b>measures and additional funding to offset the severe and natural or demographic handicaps referred to in Article 2 of Protocol No 6 to the 1994 Act of Accession.</b>		
<p>(5) Horizontal principles as set out in Article 3 of the Treaty on the European Union ("TEU") and in Article 10 of the TFEU, including principles of subsidiarity and proportionality as set out in Article 5 of the TEU should be respected in the implementation of the Funds, taking into account the Charter of Fundamental Rights of the European Union. Member States should also respect the obligations of the UN Convention on the Rights of Persons with Disabilities and ensure accessibility in line with its article 9 and in accordance with the Union law harmonising accessibility requirements for products and services. Member States and the Commission should aim at eliminating inequalities and at promoting equality between men and women and integrating the gender perspective, as well as at combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. The Funds should not support actions that contribute to any form of segregation. The objectives of the Funds should be pursued in the framework of sustainable development and the Union's promotion of the aim of preserving, protecting and improving the quality of the environment</p>	<p>(5) Horizontal principles as set out in Article 3 of the Treaty on the European Union ("TEU") and in Article 10 of the TFEU, including principles of subsidiarity and proportionality as set out in Article 5 of the TEU should be respected in the implementation of the Funds, taking into account the Charter of Fundamental Rights of the European Union. Member States should also respect the obligations of the UN Convention on the Rights of <i>the Child and of the UN Convention on the Rights of Persons with Disabilities</i> and ensure accessibility in line with its article 9 and in accordance with the Union law harmonising accessibility requirements for products and services. <b><i>In that context, the Funds should be implemented in a way which promotes deinstitutionalisation and community-based care.</i></b> Member States and the Commission should aim at eliminating inequalities and at promoting equality between men and women and integrating the gender perspective, as well as at combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. The Funds should not support actions that</p>		<p><i>Provisional common understanding</i></p> <p>(5) Horizontal principles as set out in Article 3 of the Treaty on the European Union ("TEU") and in Article 10 of the TFEU, including principles of subsidiarity and proportionality as set out in Article 5 of the TEU should be respected in the implementation of the Funds, taking into account the Charter of Fundamental Rights of the European Union. Member States should also respect the obligations of the UN Convention on the Rights of <i>the Child and of the UN Convention on the Rights of Persons with Disabilities</i> and ensure accessibility in line with its article 9 and in accordance with the Union law harmonising accessibility requirements for products and services. <b><i>In that context, the Funds should be implemented in a way that promotes the transition from institutional to family- and community-based care.</i></b> Member States and the Commission should aim at eliminating inequalities and at promoting equality between men and women and integrating the gender perspective, as well as at combating discrimination based on sex, racial or ethnic origin,</p>	<p><i>Link to I-31 and EP AM in line 26</i></p>	<p>20</p>

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
<p>as set out in Article 11 and Article 191(1) of the TFEU, taking into account the polluter pays principle. In order to protect the integrity of the internal market, operations benefitting undertakings shall comply with Union State aid rules as set out in Articles 107 and 108 of the TFEU.</p>	<p>contribute to any form of segregation <i>or exclusion, or support infrastructure which is inaccessible to persons with a disability</i>. The objectives of the Funds should be pursued in the framework of sustainable development and the Union's promotion of the aim of preserving, protecting and improving the quality of the environment as set out in Article 11 and Article 191(1) of the TFEU, taking into account the polluter pays principle <i>and taking into account the commitments agreed under the Paris Agreement</i>. In order to protect the integrity of the internal market, operations benefitting undertakings shall comply with Union State aid rules as set out in Articles 107 and 108 of the TFEU. <i>Poverty is one of the greatest challenges of the EU. The Funds should therefore contribute to the elimination of poverty. They should also contribute to fulfilling the commitment of the Union and its Member States to achieving the United Nations' Sustainable Development Goals.</i></p>		<p>religion or belief, disability, age or sexual orientation. The Funds should not support actions that contribute to any form of segregation <i>or exclusion, and, when financing infrastructure, should ensure the accessibility for persons with disabilities</i>. The objectives of the Funds should be pursued in the framework of sustainable development and the Union's promotion of the aim of preserving, protecting and improving the quality of the environment as set out in Article 11 and Article 191(1) of the TFEU, taking into account the polluter pays principle, <b>the UN Sustainable Development Goals and the Paris Agreement</b>. In order to protect the integrity of the internal market, operations benefitting undertakings <del>must</del> <i>shall</i> comply with Union State aid rules as set out in Articles 107 and 108 of the TFEU. <i>Poverty is a particularly important challenge in the Union. The Funds should therefore pursue their objectives with a view to contribute to the eradication of poverty. The Funds should pursue their objectives with a view to providing adequate support, in particular to local and regional authorities of coastal and urban areas to address the socio-economic challenges linked to the integration of third-country nationals.</i></p>		
<p>(6) Horizontal financial rules adopted by the European Parliament and the Council</p>	<p>[no change]</p>		<p>Provisional common understanding</p>		<p>21</p>

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
<p>on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU also concern the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding.</p>			<p>(6) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU also <del>concern the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding</del> <b>include a general regime of conditionality for the protection of the Union budget.</b></p>		
<p>(7) Where a time limit is set for the Commission to take any action towards Member States, the Commission should take account of all necessary information and documents in a timely and efficient manner. Where submissions from Member States are incomplete or non-compliant with the requirements of this Regulation and of Fund-specific Regulations, thus not enabling the Commission to take fully-informed action, that time limit should be suspended until the Member States comply</p>	<p><i>[no change]</i></p>		<p><i>Provisional common understanding</i></p> <p>(7) Where a time limit is set for the Commission to take any action towards Member States, the Commission should take account of all necessary information and documents in a timely and efficient manner. Where submissions from Member States <b>in any form under this Regulation</b> are incomplete or non-compliant with the requirements of this Regulation and of Fund-specific Regulations, thus not enabling the</p>		<p>22</p>

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
with the regulatory requirements.			Commission to take fully-informed action, that time limit should be suspended until the Member States comply with the regulatory requirements. <b>Further, as the Commission is precluded from making payments for the expenditure incurred by beneficiaries and paid in implementing operations linked to specific objectives for which enabling conditions are not fulfilled, which is included in payment applications, the time limit for the Commission to make payments should not be triggered for such expenditure.</b>		
(8) In order to contribute to Union priorities, the Funds should focus their support on a limited number of policy objectives in line with their Fund-specific missions pursuant to their Treaty-based objectives. The policy objectives for the AMIF, the ISF and the BMVI should be set out in the respective Funds-specific regulations.	<i>[no change]</i>			<i>Former</i>	23
(8) In order to contribute to Union priorities, the Funds should focus their support on a limited number of policy objectives in line with their Fund-specific missions pursuant to their Treaty-based objectives. The policy objectives for the AMIF, the ISF and the BMVI should be set out in the respective Funds-specific regulations. <b>The JTF and the resources of the ERDF and the ESF+ that are transferred as a complementary support</b>	(8) In order to contribute to Union priorities, the Funds should focus their support on a limited number of policy objectives in line with their Fund-specific missions pursuant to their Treaty-based objectives. The policy objectives for the AMIF, the ISF and the BMVI should be set out in the respective Funds-specific regulations. The JTF and the resources of the ERDF and the ESF+ that <del>are</del> <b>may be transferred on a voluntary basis</b> as a		<i>Provisional common understanding</i>  (8) In order to contribute to Union priorities, the Funds should focus their support on a limited number of policy objectives in line with their Fund-specific missions pursuant to their Treaty-based objectives. The policy objectives for the AMIF, the ISF and the BMVI should be set out in the respective Funds-specific regulations. The JTF and	<i>New</i>  <i>Link to IX-6</i>	24

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
<b>to the JTF, should contribute to a single specific objective.</b>	complementary support to the JTF, should contribute to a single specific objective.		any resources of the ERDF and the ESF+ that are transferred, <b>on a voluntary basis</b> , as a complementary support to the JTF, should contribute to a single specific objective.		
(9) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, the Funds will contribute to mainstream climate actions and to the achievement of an overall target of 25 % of the EU budget expenditure supporting climate objectives.	(9) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, the Funds will contribute to <del>mainstream</del> <b>mainstreaming</b> climate actions and to the achievement of an overall target of <del>25</del> <b>30</b> % of the EU budget expenditure supporting climate objectives. <b>Climate proofing mechanisms should be an integral part of programming and implementation.</b>		<p><i>COM was asked to provide a reviewed drafting in order to cover the EP AMs to this recital, based on exchanges at the technical level on 30/11.</i></p> <p><i>Provisional common understanding on the following additions</i></p> <p>(9) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, the Funds should contribute to mainstream climate actions and to the achievement of an overall target of <del>30</del> <b>25</b> % of the EU budget expenditure supporting climate objectives. <b>In this context, the Funds should support activities that would respect the climate and environmental standards and priorities of the Union and would do no significant harm to environmental objectives within the meaning of Article 17 of Regulation (EU) No 2020/852.</b></p>	Link to I-14	25
			<p><i>COM proposal:</i></p> <p><b>[Reflecting the importance of tackling the dramatic loss of biodiversity, this</b></p>		25a

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<b>Regulation should contribute to mainstream biodiversity action in the Union policies and to the achievement of the overall ambition of providing 7,5% of annual spending under the MFF to biodiversity objectives in the year 2024 and 10% of annual spending under the MFF to biodiversity objectives in 2026 and 2027.]</b>		
	<b>(9a) Given the impact of migration flows from third countries, cohesion policy should contribute to integration processes, in particular by providing infrastructure support to towns and cities and local and regional authorities on the front line, which are more involved in implementing integration policies.</b>		<i>Provisional common understanding</i>  <i>[EP AM withdrawn]</i>  <i>Comment: EP AM covered by the addition in recital (5)</i>	<a href="#">Link to I-9</a>	26
(10) Part of the budget of the Union allocated to the Funds should be implemented by the Commission under shared management with Member States within the meaning of Regulation (EU, Euratom) [number of the new Financial Regulation] of the European Parliament and of the Council <sup>10</sup> (the 'Financial Regulation'). Therefore, when implementing the Funds under shared management, the Commission and the Member States should respect the principles referred to in the Financial Regulation, such as sound financial	(10) Part of the budget of the Union allocated to the Funds should be implemented by the Commission under shared management with Member States within the meaning of Regulation (EU, Euratom) [number of the new Financial Regulation] of the European Parliament and of the Council <sup>12</sup> (the 'Financial Regulation'). Therefore, when implementing the Funds under shared management, the Commission and the Member States should respect the principles referred to in the Financial Regulation, such as sound financial		<i>Provisional common understanding</i>  <i>[no change]</i>  <i>Comment: EP AM covered by the new recital (10a)</i>	<a href="#">Link to I-18</a>	27

<sup>10</sup> OJ L [...], [...], p. [...].

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
management, transparency and non-discrimination.	management, transparency and non-discrimination. <i>Member States should be responsible for preparing and implementing programmes. This should take place at the appropriate territorial level, in accordance with their institutional, legal and financial framework, and by the bodies designated by them for that purpose. Member States should refrain from adding rules that complicate the use of the funds for beneficiaries.</i>				
			Provisional common understanding  <b>(10a) Member States at the appropriate territorial level, in accordance with their institutional, legal and financial framework and the bodies designated by them for that purpose should be responsible for preparing and implementing programmes. EU and Member States should refrain from imposing unnecessary rules resulting in excessive administrative burden for beneficiaries.</b>		27a
(11) The principle of partnership is a key feature in the implementation of the Funds, building on the multi-level governance approach and ensuring the involvement of civil society and social partners. In order to provide continuity in the organisation of	(11) The principle of partnership is a key feature in the implementation of the Funds, building on the multi-level governance approach and ensuring the involvement of <i>regional, local, and other public authorities</i> , civil society and		Provisional common understanding  (11) The principle of partnership is a key feature in the implementation of the Funds, building on the multi-level governance approach and ensuring the involvement of <i>regional, local, urban</i>	Link to I-22 and I-29	28



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
partnership, Commission Delegated Regulation (EU) No 240/2014 <sup>11</sup> should continue to apply.	social partners. In order to provide continuity in the organisation of partnership, <b>the Commission should be empowered to amend and adapt</b> Commission Delegated Regulation (EU) No 240/2014 <sup>12</sup> <del>should continue to apply</del> .		<b>and other public authorities</b> , civil society, <b>economic</b> and social partners <b>and, where appropriate, research institutions and universities</b> . In order to provide continuity in the organisation of partnership, Commission Delegated Regulation (EU) No 240/2014 <sup>13</sup> should continue to apply <b>to the Funds covered by this Regulation</b> .		
(12) At Union level, the European Semester of economic policy coordination is the framework to identify national reform priorities and monitor their implementation. Member States develop their own national multiannual investment strategies in support of these reform priorities. These strategies should be presented alongside the yearly National Reform Programmes as a way to outline and coordinate priority investment projects to be supported by national and Union funding. They should also serve to use Union funding in a coherent manner and to maximise the added value of the financial support to be received notably from the Funds, the European Investment Stabilisation Function and InvestEU.	<del>(12) At Union level, the European Semester of economic policy coordination is the framework to identify national reform priorities and monitor their implementation. Member States develop their own national multiannual investment strategies in support of these reform priorities. These strategies should be presented alongside the yearly National Reform Programmes as a way to outline and coordinate priority investment projects to be supported by national and Union funding. They should also serve to use Union funding in a coherent manner and to maximise the added value of the financial support to be received notably from the Funds, the European Investment Stabilisation Function and InvestEU.</del>		<i>Provisional common understanding</i>  (12) At Union level, the European Semester of economic policy coordination, <b>including the principles of the European Pillar of Social Rights</b> , is the framework to identify national reform priorities and monitor their implementation. Member States develop their own national multiannual investment strategies in support of these reforms priorities. Those strategies should be presented alongside the yearly National Reform Programmes as a way to outline and coordinate priority investment projects to be supported by national and/or Union funding. They should also serve to use Union funding in a coherent manner and to maximise	<a href="#">Link to I-47</a>	29

<sup>11</sup> 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).

<sup>12</sup> 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).

<sup>13</sup> 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 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			the added value of the financial support to be received notably from the Funds, <b>the Recovery and Resilience Facility</b> , the European Investment Stabilisation Function and InvestEU.		
<p>(13) Member States should determine how relevant country-specific recommendations adopted in accordance with Article 121(2) of the TFEU and relevant Council recommendations adopted in accordance with Article 148(4) of the TFEU ('CSR's) are taken into account in the preparation of programming documents. During the 2021–2027 programming period ('programming period'), Member States should regularly present to the monitoring committee and to the Commission the progress in implementing the programmes in support of the CSRs. During a mid-term review, Member States should, among other elements, consider the need for programme modifications to accommodate relevant CSRs adopted or modified since the start of the programming period.</p>	<p>(13) Member States should <del>how</del> <i>determine</i> <del>take into account</del> relevant country-specific recommendations adopted in accordance with Article 121(2) of the TFEU and relevant Council recommendations adopted in accordance with Article 148(4) of the TFEU ('CSR's) <del>are taken into account</del> in the preparation of programming documents, <i>where they are consistent with the programme's objectives</i>. During the 2021–2027 programming period ('programming period'), Member States should regularly present to the monitoring committee and to the Commission the progress in implementing the programmes in support of the CSRs, <i>as well as of the European Pillar of Social Rights</i>. During a mid-term review, Member States should, among other elements, consider the need for programme modifications to accommodate relevant CSRs adopted or modified since the start of the programming period.</p>		<p><i>Provisional common understanding</i></p> <p>(13) Member States should <del>how</del> <i>determine</i> <del>take into account</del> relevant country-specific recommendations adopted in accordance with Article 121(2) of the TFEU and relevant Council recommendations adopted in accordance with Article 148(4) of the TFEU ('CSR's) <b>and complementary Commission recommendations issued in accordance with Article 34 of Regulation (EU) 2018/1999 of the European Parliament and of the Council(*) and for the AMF, BMVI and ISF other relevant Union recommendations addressed to the Member State</b> <del>are taken into account</del> in the preparation of programming documents. During the 2021–2027 programming period ('programming period'), Member States should regularly present to the monitoring committee and to the Commission the progress in implementing the programmes in support of the CSRs. During a mid-term review, Member States should, among other elements, consider the need for programme modifications to accommodate <b>new challenges identified</b></p>	<p><i>Link to I-47 and I-145</i></p>	<p>30</p>

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			in relevant CSRs adopted or modified since the start of the programming period.		
(14) Member States should take account of the contents of their draft National Energy and Climate Plan, to be developed under the Regulation on the Governance of the Energy Union <sup>14</sup> , and the outcome of the process resulting in Union recommendations regarding these plans, for their programmes, as well as for the financial needs allocated for low-carbon investments.	(14) Member States should take account of the contents of their draft National Energy and Climate Plan, to be developed under the Regulation on the Governance of the Energy Union <sup>15</sup> , and the outcome of the process resulting in Union recommendations regarding these plans, for their programmes, <b>including during the mid-term review</b> , as well as for the financial needs allocated for low-carbon investments.		<i>Provisional common understanding</i>  (14) Member States should take account of the contents of their draft National Energy and Climate Plan, to be developed under the Regulation on the Governance of the Energy Union <sup>16</sup> , and the outcome of the process resulting in Union recommendations regarding these plans, for their programmes, <b>including during the mid-term review</b> , as well as for the financial needs allocated for low-carbon investments.	<i>Link to II-34</i>	31
(15) The Partnership Agreement, prepared by each Member State, should be a strategic document guiding the negotiations between the Commission and the Member State concerned on the design of programmes. In order to reduce the administrative burden, it should not be necessary to amend Partnership	(15) The Partnership Agreement, prepared by each Member State, should be a strategic document guiding the negotiations between the Commission and the Member State concerned on the design of programmes. In order to reduce the administrative burden, it should not be necessary to amend Partnership		<i>Provisional common understanding</i>  (15) The Partnership Agreement, prepared by each Member State, should be a <b>concise and</b> strategic document guiding the negotiations between the Commission and the Member State concerned on the design of programmes	<i>Link to I-38 and I-66</i>	32

<sup>14</sup> [Regulation on the Governance of the Energy Union, amending Directive 94/22/EC, Directive 98/70/EC, Directive 2009/31/EC, Regulation (EC) No 663/2009, Regulation (EC) No 715/2009, Directive 2009/73/EC, Council Directive 2009/119/EC, Directive 2010/31/EU, Directive 2012/27/EU, Directive 2013/30/EU and Council Directive (EU) 2015/652 and repealing Regulation (EU) No 525/2013 (COM/2016/0759 final/2 - 2016/0375 (COD))].

<sup>15</sup> [Regulation on the Governance of the Energy Union, amending Directive 94/22/EC, Directive 98/70/EC, Directive 2009/31/EC, Regulation (EC) No 663/2009, Regulation (EC) No 715/2009, Directive 2009/73/EC, Council Directive 2009/119/EC, Directive 2010/31/EU, Directive 2012/27/EU, Directive 2013/30/EU and Council Directive (EU) 2015/652 and repealing Regulation (EU) No 525/2013 (COM/2016/0759 final/2 - 2016/0375 (COD))].

<sup>16</sup> [Regulation on the Governance of the Energy Union, amending Directive 94/22/EC, Directive 98/70/EC, Directive 2009/31/EC, Regulation (EC) No 663/2009, Regulation (EC) No 715/2009, Directive 2009/73/EC, Council Directive 2009/119/EC, Directive 2010/31/EU, Directive 2012/27/EU, Directive 2013/30/EU and Council Directive (EU) 2015/652 and repealing Regulation (EU) No 525/2013 (COM/2016/0759 final/2 - 2016/0375 (COD))].

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
<p>Agreements during the programming period. To facilitate the programming and avoid overlapping content in programming documents, Partnership Agreements can be included as part of a programme.</p>	<p>Agreements during the programming period. To facilitate the programming and avoid overlapping content in programming documents, <i>it should be possible for</i> Partnership Agreements <del>can</del> to be included as part of a programme.</p>		<p><b>under ERDF, Cohesion Fund, ESF+ JTF, and EMFF. In order to streamline the approval process, the Commission should respect the principle of proportionality in its assessment, particularly concerning the length of the Partnership Agreement as set out in Annex II and requests for additional information. In order to reduce the administrative burden, it should not be necessary to amend Partnership Agreements during the programming period. However, if the Member State so wishes, it may submit to the Commission one amendment to its Partnership Agreement to take into account the outcome of the mid-term review. To facilitate the programming and avoid overlapping content in programming documents, Partnership agreements can be included as part of a programme.</b></p>		
<p><b>(15a) In order to provide flexibility for Member States to allocate and adjust the allocation of financial resources in accordance with their specific needs, it is necessary to provide them with the possibility to request limited transfers from the Funds to any other instrument under direct or indirect management or among the Funds at the beginning of the programming period or during the implementation phase.</b></p>	<p>(15a) In order to provide flexibility for Member States to allocate and adjust the allocation of financial resources in accordance with their specific needs, it is necessary to provide them with the possibility to request limited transfers from <i>any of the</i> Funds to <del>any other instrument under direct or indirect management or among the Funds</del> <i>the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, or the European Maritime and Fisheries Fund and</i></p>		<p><i>Provisional common understanding</i></p> <p><b>(15a) In order to provide the Member States with sufficient flexibility in the implementation of their shared management allocations, it should be possible to transfer certain levels of funding between the Funds and between shared management and direct and indirectly managed instruments. Where the specific economic and social circumstances of a Member State justify it, this level of</b></p>	IX-125	33

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>between the ERDF, the ESF+ or the Cohesion Fund within the Member State's global resources under the Investment for jobs and growth goal</i> at the beginning of the programming period or during the implementation phase.		transfer should be higher.		
(16) Each Member State should have the flexibility to contribute to InvestEU for the provision of budgetary guarantees for investments in that Member State.	(16) Each Member State <del>should</del> <i>could</i> have the flexibility to contribute to InvestEU for the provision of budgetary guarantees for investments in that Member State, <i>under certain conditions specified in Article 10 of this Regulation.</i>		<i>Provisional common understanding</i>  (16) Each Member State should have the flexibility to contribute to InvestEU for the provision of <b>the EU guarantee and the InvestEU Advisory Hub</b> budgetary guarantees for investments in that Member State, <i>under certain conditions set out in this Regulation.</i>	<i>Link to I-71</i>	34
(17) To ensure the necessary prerequisites for the effective and efficient use of Union support granted by the Funds, a limited list of enabling conditions as well as a concise and exhaustive set of objective criteria for their assessment should be established. Each enabling condition should be linked to a specific objective and should be automatically applicable where the specific objective is selected for support. Where those conditions are not fulfilled, expenditure related to operations under the related specific objectives should not be included in payment applications.. In order to maintain a favourable investment framework, the continued fulfilment of the enabling conditions should be monitored regularly. It is also important to ensure that operations selected for support are	(17) To ensure the necessary prerequisites for the <b>inclusive, non-discriminatory,</b> effective and efficient use of Union support granted by the Funds, a limited list of enabling conditions as well as a concise and exhaustive set of objective criteria for their assessment should be established. Each enabling condition should be linked to a specific objective and should be automatically applicable where the specific objective is selected for support. Where those conditions are not fulfilled, expenditure related to operations under the related specific objectives should not be included in payment applications.. In order to maintain a favourable investment framework, the continued fulfilment of the enabling conditions should be		<i>Provisional common understanding:</i>  (17) To ensure the necessary prerequisites for the effective and efficient use of Union support granted by the Funds, a limited list of enabling conditions as well as a concise and exhaustive set of objective criteria for their assessment should be established. Each enabling condition should be linked to a specific objective and should be automatically applicable where the specific objective is selected for support. <b>Without prejudice to the rules on decommitment, w</b> where those conditions are not fulfilled, expenditure related to operations under the related specific objectives should not be <b>reimbursed by the</b>	<i>Link to II-9</i>	35

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
implemented consistently with the strategies and planning documents in place underlying the fulfilled enabling conditions, thus ensuring that all co-financed operations are in line with the Union policy framework.	monitored regularly. It is also important to ensure that operations selected for support are implemented consistently with the strategies and planning documents in place underlying the fulfilled enabling conditions, thus ensuring that all co-financed operations are in line with the Union policy framework.		<del>Commission included in payment applications.</del> In order to maintain a favourable investment framework, the continued fulfilment of the enabling conditions should be monitored regularly. <b>On the request of a Member State, the EIB may contribute to the assessment of the fulfilment of enabling conditions.</b> It is also important to ensure that operations selected for support are implemented consistently with the strategies and planning documents in place underlying the fulfilled enabling conditions, thus ensuring that all co-financed operations are in line with the Union policy framework.		
			<i>Provisional common understanding</i> <b>(17a) While pursuing the objectives of economic, social and territorial cohesion, support to network connectivity by the ERDF and the Cohesion Fund should aim at completing missing links to the TEN-T network.</b>	<i>Link to Annex IV (EP AM 385)</i>	36
(18) Member States should establish a performance framework for each programme covering all indicators, milestones and targets to monitor, report on and evaluate programme performance.	(18) Member States should establish a performance framework for each programme covering all indicators, milestones and targets to monitor, report on and evaluate programme performance. <b><i>This should allow project selection and evaluation to be result-driven.</i></b>		<i>Provisional common understanding</i> (18) Member States should establish a performance framework for each programme covering all indicators, milestones and targets to monitor, report on and evaluate programme performance. <b>This should allow</b>	<i>Link to II-18</i>	37

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<b>monitoring, reporting on and evaluating performance during implementation, and contribute to measuring the overall performance of the Funds.</b>		
<p>(19) The Member State should carry out a mid-term review of each programme supported by the ERDF, the ESF+ and the Cohesion Fund. That review should provide a fully-fledged adjustment of programmes based on programme performance, while also providing an opportunity to take account of new challenges and relevant CSRs issued in 2024. In parallel, in 2024 the Commission should, together with the technical adjustment for the year 2025, review all Member States' total allocations under the Investment for jobs and growth goal of cohesion policy for the years 2025, 2026 and 2027, applying the allocation method set out in the relevant basic act. That review together with the outcome of the mid-term review should result in programme amendments modifying the financial allocations for the years 2025, 2026 and 2027.</p>	<p>(19) The Member State should carry out a mid-term review of each programme supported by the ERDF, the ESF+ and the Cohesion Fund. That review should provide a fully-fledged adjustment of programmes based on programme performance, while also providing an opportunity to take account of new challenges and relevant CSRs issued in 2024, <b>as well as progress with the National Energy and Climate Plans and the European Pillar of Social Rights. Demographic challenges should also be taken into account.</b> In parallel, in 2024 the Commission should, together with the technical adjustment for the year 2025, review all Member States' total allocations under the Investment for jobs and growth goal of cohesion policy for the years 2025, 2026 and 2027, applying the allocation method set out in the relevant basic act. That review together with the outcome of the mid-term review should result in programme amendments modifying the financial allocations for the years 2025, 2026 and 2027.</p>			<i>Former</i>	38
<p>(19) The Member State should carry out a mid-term review of each programme supported by the ERDF, the ESF+, <del>and</del> the</p>	<p>(19) The Member State should carry out a mid-term review of each programme supported by the ERDF, the ESF+, the</p>		<p><i>Provisional common understanding</i>  (19) The Member State should carry out</p>	<i>New</i>	39

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
<p>Cohesion Fund <b>and the JTF</b>. That review should provide a fully-fledged adjustment of programmes based on programme performance, while also providing an opportunity to take account of new challenges and relevant CSRs issued in 2024. In parallel, in 2024 the Commission should, together with the technical adjustment for the year 2025, review all Member States' total allocations under the Investment for jobs and growth goal of cohesion policy for the years 2025, 2026 and 2027, applying the allocation method set out in the relevant basic act. That review together with the outcome of the mid-term review should result in programme amendments modifying the financial allocations for the years 2025, 2026 and 2027.</p>	<p>Cohesion Fund and the JTF. That review should provide a fully-fledged adjustment of programmes based on programme performance, while also providing an opportunity to take account of new challenges and relevant CSRs issued in 2024, <b>as well as progress with the National Energy and Climate Plans and the European Pillar of Social Rights. Demographic challenges should also be taken into account.</b> In parallel, in 2024 the Commission should, together with the technical adjustment for the year 2025, review all Member States' total allocations under the Investment for jobs and growth goal of cohesion policy for the years 2025, 2026 and 2027, applying the allocation method set out in the relevant basic act. That review together with the outcome of the mid-term review should result in programme amendments modifying the financial allocations for the years 2025, 2026 and 2027.</p>		<p>a mid-term review of each programme supported by the ERDF, the ESF+, <del>and</del> the Cohesion Fund <b>and the JTF</b>. That review should provide a fully-fledged adjustment of programmes based on programme performance, while also providing an opportunity to take account of new challenges and relevant CSRs issued in 2024, <b>as well as progress in implementing the National Energy and Climate Plans and the principles of the European Pillar of Social Rights. For the purposes of the mid-term review, also the socio-economic situation of the Member State or region concerned, including any major negative financial, economic or social development [or demographic challenges] and the progress towards reaching the climate contribution targets at national level should also be taken into account.</b> In parallel, in 2024 the Commission should, together with the technical adjustment for the year 2025, review all Member States' total allocations under the Investment for jobs and growth goal of cohesion policy for the years 2025, 2026 and 2027, applying the allocation method set out in the relevant basic act. That review together with the outcome of the mid-term review should result in programme amendments modifying the financial allocations for the years 2025, 2026 and 2027.</p> <p><b>The Commission should prepare a</b></p>	<p><i>Link to II-32 and IX-8</i></p>	



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<p><b>report about the outcome of the mid-term review, including its assessment of the application of the management costs and fees under financial instruments managed by bodies selected through direct award.</b></p> <p><i>Comment: bracketed text on the demographic challenges still to be discussed.</i></p>		
<p>(20) Mechanisms to ensure a link between Union funding policies and the economic governance of the Union should be further refined, allowing the Commission to make a proposal to the Council to suspend all or part of the commitments for one or more of the programmes of the Member State concerned where that Member State fails to take effective action in the context of the economic governance process. In order to ensure uniform implementation and in view of the importance of the financial effects of measures being imposed, implementing powers should be conferred on the Council which should act on the basis of a Commission proposal. To facilitate the adoption of decisions which are required to ensure effective action in the context of the economic governance process, reversed qualified majority voting should be used.</p>	<p><del>(20) Mechanisms to ensure a link between Union funding policies and the economic governance of the Union should be further refined, allowing the Commission to make a proposal to the Council to suspend all or part of the commitments for one or more of the programmes of the Member State concerned where that Member State fails to take effective action in the context of the economic governance process. In order to ensure uniform implementation and in view of the importance of the financial effects of measures being imposed, implementing powers should be conferred on the Council which should act on the basis of a Commission proposal. To facilitate the adoption of decisions which are required to ensure effective action in the context of the economic governance process, reversed qualified majority voting should be used.</del></p>		<p><i>Provisional common understanding :</i></p> <p>(20) Mechanisms to ensure a link between Union funding policies and the economic governance of the Union should be further refined, allowing the Commission to make a proposal to the Council to suspend all or part of the commitments <b>or payments</b> for one or more of the programmes of the Member State concerned where that Member State fails to take effective action in the context of the economic governance process. <b>The obligation of the Commission to propose a suspension should be suspended as long as the so called general escape clause under the Stability and Growth Pact has been activated.</b> In order to ensure uniform implementation and in view of the importance of the financial effects of measures being imposed, implementing powers should be conferred on the Council which should act on the basis of a Commission proposal. To facilitate the</p>		40

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<p>adoption of decisions which are required to ensure effective action in the context of the economic governance process, reversed qualified majority voting should be used.</p> <p><b>Given the type of operations that are supported by the ESF+ and under the ETC goal (Interreg), they should be excluded from the scope of these mechanisms.</b></p>		
<p><b>(20a) In order to allow for a rapid response to exceptional and unusual circumstances as referred to in the Stability and Growth Pact that may arise during the programming period, temporary measures should be provided for to facilitate the use of the Funds in response to such circumstances.</b></p>	<p><i>[no change]</i></p>	<p>(20a) In order to allow for a rapid response to exceptional and unusual circumstances as referred to in the Stability and Growth Pact that may arise during the programming period, <b>implementing powers should be conferred to the Commission to adopt temporary measures <del>should be provided for</del> to facilitate the use of the Funds in response to such circumstances. The Commission should adopt the measures that are most appropriate in light of the exceptional or unusual circumstances that a Member State is facing while preserving the objectives of the Funds. The Commission should also monitor the implementation and assess the appropriateness of the measures.</b></p>	<p><i>Provisional common understanding:</i></p> <p>(20a) In order to allow for a rapid response to exceptional and unusual circumstances as referred to in the Stability and Growth Pact that may arise during the programming period, <b>implementing powers should be conferred on the Commission to adopt temporary measures <del>should be provided for</del> to facilitate the use of the Funds in response to such circumstances. The Commission should adopt the measures that are most appropriate in light of the exceptional or unusual circumstances that a Member State is facing while preserving the objectives of the Funds. The Commission should also monitor the implementation and assess the appropriateness of the measures.</b></p> <p><i>Comment: the recital still to be checked if further elements should be added.</i></p>	<p><i>New</i></p> <p><i>Link to IX-127</i></p>	<p>41</p>

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>(20 a) Member States could make in duly justified cases a request for flexibility within the current framework of the Stability and Growth Pact for the public or equivalent structural expenditure, supported by the public administration by way of co-financing of investments activated as part of European Structural and Investment Funds ('ESI Funds'). The Commission should carefully assess the respective request, when defining the fiscal adjustment under either the preventive or the corrective arm of the Stability and Growth Pact.</i>		<i>Provisional common understanding</i>  <b>(x) Within the framework of the relevant rules under the Stability and Growth Pact as clarified in the Code of Conduct, Member States may make a duly justified request for further flexibility for the public or equivalent structural expenditure supported by the public administration by way of co-financing of investments.</b>  <i>[Place of recital still subject to technical verification]</i>	<i>Link to row 1418</i>	42
(21) It is necessary to set out common requirements as regards the content of the programmes taking into account the specific nature of each Fund. Those common requirements can be complemented by Fund-specific rules. Regulation (EU) [XXX] of the European Parliament and of the Council <sup>17</sup> (the 'ETC Regulation') should set out specific provisions on the content of programmes under the European territorial cooperation goal (Interreg).	<i>[no change]</i>		<i>Provisional common understanding:</i>  <i>[No change]</i>		43
(22) In order to allow for flexibility in programme implementation and reduce administrative burden, limited financial	<i>[no change]</i>		<i>Provisional common understanding:</i>  <i>[No change]</i>		44

<sup>17</sup> Regulation (EU) [...] on specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments (OJ L [...], [...], p. [...]).

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transfers should be allowed between priorities of the same programme without requiring a Commission decision amending the programme. The revised financial tables should be submitted to the Commission in order to ensure up-to-date information on financial allocations for each priority.					
		<b>(22a) In order to provide the Member States with sufficient flexibility in the implementation of their shared management allocations, it should be possible to transfer certain levels of funding between the Funds and between shared management and direct and indirectly managed instruments. Where the specific economic and social circumstances of a Member State justify it, this level of transfer should be higher.</b>	<i>Provisional common understanding:</i>  <i>[AM withdrawn]</i>	<i>Link to IX-137</i>	45
	<i>(22 a) Major projects represent a substantial share of Union spending and are frequently of strategic importance with respect to the achievement of the Union strategy for smart, sustainable and inclusive growth. It is therefore justified that operations above certain thresholds continue to be subject to specific approval procedures under this Regulation. The threshold should be established in relation to total eligible cost after taking account of expected net revenues. To ensure clarity, it is appropriate to define the content of a</i>		<i>Provisional common understanding</i>  <i>[EP amendment withdrawn]</i>	<i>Link to I-169</i>	46

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	<i>major project application for such a purpose. The application should contain the necessary information to provide assurance that the financial contribution from the Funds does not result in a substantial loss of jobs in existing locations within the Union. The Member State should submit all required information and the Commission should appraise the major project to determine whether the requested financial contribution is justified.</i>				
<b>(22a) In order to enhance the effectiveness of the JTF, complementary resources from the ERDF and the ESF+ should be made available to the JTF. Those complementary resources should be provided through a specific obligatory transfer from those funds to the JTF taking into account the transition challenges set out in the territorial just transition plans, which need to be addressed. Amounts to be transferred should be provided from resources of the categories of regions where the territories identified in territorial just transition plans are located. Given these specific arrangements for the use of the JTF resources, only the specific transfer mechanism should apply for the constitution of the JTF resources. Furthermore, it should be clarified that only the provisions of this Regulation and of Regulation (EU) [JTF</b>	(22a) In order to enhance the effectiveness of the JTF, <b>it should be possible that</b> complementary resources from the ERDF and the ESF+ <del>should be</del> <b>are</b> made available to the JTF <b>on a voluntary basis</b> . Those complementary resources should be provided, <b>if applicable</b> , through a specific <del>obligatory</del> transfer from those funds to the JTF taking into account the transition challenges set out in the territorial just transition plans, which need to be addressed. <del>Amounts to be transferred should be provided from resources of the categories of regions where the territories identified in territorial just transition plans are located.</del> Given these specific arrangements for the use of the JTF resources, only the specific transfer mechanism should apply, for the constitution of the JTF resources. Furthermore, it should be clarified that only the provisions of this Regulation and		<i>Provisional common understanding:</i>  (22a) In order to enhance the effectiveness of the JTF, <b>it should be possible that</b> complementary resources from the ERDF and the ESF+ <del>should be</del> <b>are</b> made available to the JTF <b>on a voluntary basis</b> . Those complementary resources should be provided through a specific <b>voluntary obligatory</b> transfer from those funds to the JTF taking into account the transition challenges set out in the territorial just transition plans, which need to be addressed. Amounts to be transferred should be provided from resources of the categories of regions where the territories identified in territorial just transition plans are located. Given these specific arrangements for the use of the JTF resources, only the specific transfer mechanism should apply for the constitution of the JTF resources.	<i>New</i>  <i>Link to IX-10</i>	47

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<p><b>Regulation] should apply to the JTF and to the resources of the ERDF and the ESF+ transferred to the JTF, which also become JTF support. Neither Regulation (EU) [ERDF/CF Regulation] nor Regulation (EU) [ESF+ Regulation] should apply to the complementary support. Therefore, the ERDF resources transferred as a complementary support to the JTF should be excluded from the basis of calculation of the thematic concentration requirements set out in Article 3 of Regulation (EU) [ERDF/CF Regulation] and from the basis of calculation of minimum allocations to sustainable urban development as set out in Article 9 of Regulation (EU) [ERDF/CF Regulation]. The same applies to the ESF+ resources transferred as a complementary support to the JTF in respect of thematic concentration requirements set out in Article 7 of Regulation (EU) [ESF+ Regulation].</b></p>	<p>of Regulation (EU) [JTF Regulation] should apply to the JTF and to the resources of the ERDF and the ESF+ transferred <i>voluntarily</i> to the JTF, which also become JTF support. Neither Regulation (EU) [ERDF/CF Regulation] nor Regulation (EU) [ESF+ Regulation] should apply to the complementary support, <i>with the exception of the provisions on the calculation of the thematic concentration requirements.</i> Therefore, the ERDF resources transferred as a complementary support to the JTF should be excluded from the basis of calculation of the thematic concentration requirements set out in Article 3 of Regulation (EU) [ERDF/CF Regulation] and from the basis of calculation of minimum allocations to sustainable urban development as set out in Article 9 of Regulation (EU) [ERDF/CF Regulation]. The same applies to the ESF+ resources transferred as a complementary support to the JTF in respect of thematic concentration requirements set out in Article 7 of Regulation (EU) [ESF+ Regulation].</p>		<p>Furthermore, it should be clarified that only the provisions of this Regulation and of Regulation (EU) [JTF Regulation] should apply to the JTF and to the resources of the ERDF and the ESF+ transferred to the JTF, which also become JTF support. Neither Regulation (EU) [ERDF/CF Regulation] nor Regulation (EU) [ESF+ Regulation] should apply to the complementary support. Therefore, the ERDF resources transferred as a complementary support to the JTF should be excluded from the basis of calculation of the thematic concentration requirements set out in Article 3 of Regulation (EU) [ERDF/CF Regulation] and from the basis of calculation of minimum allocations to sustainable urban development as set out in Article 9 of Regulation (EU) [ERDF/CF Regulation]. The same applies to the ESF+ resources transferred as a complementary support to the JTF in respect of thematic concentration requirements set out in Article 7 of Regulation (EU) [ESF+ Regulation].</p>		
<p>(23) To strengthen the integrated territorial development approach, investments in the form of territorial tools such as integrated territorial investments ('ITI'), community-led local development ('CLLD') or any other territorial tool under policy objective "a Europe closer to citizens" supporting initiatives designed by the Member State</p>	<p>(23) To strengthen the integrated territorial development approach, investments in the form of territorial tools such as integrated territorial investments ('ITI'), community-led local development ('CLLD', <i>known as 'LEADER' under the EAFRD</i>), or any other territorial tool under policy objective "a Europe closer to</p>		<p><i>Provisional common understanding</i></p> <p>(23) To strengthen the integrated territorial development approach, investments in the form of territorial tools such as integrated territorial investments ('ITI'), community-led local development ('CLLD', <b>referred to as</b></p>	<p><i>Link to I-203 and Annex IV (EP AM 390)</i></p>	<p>48</p>

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<p>for investments programmed for the ERDF should be based on territorial and local development strategies. For the purposes of ITIs and territorial tools designed by Member States, minimum requirements should be set out for the content of territorial strategies. Those territorial strategies should be developed and endorsed under the responsibility of relevant authorities or bodies. To ensure the involvement of relevant authorities or bodies in implementing territorial strategies, those authorities or bodies should be responsible for the selection of operations to be supported, or involved in that selection.</p>	<p>citizens" supporting initiatives designed by the Member State for investments programmed for the ERDF should be based on territorial and local development strategies. <b><i>The same should apply to related initiatives such as the Smart Villages.</i></b> For the purposes of ITIs and territorial tools designed by Member States, minimum requirements should be set out for the content of territorial strategies. Those territorial strategies should be developed and endorsed under the responsibility of relevant authorities or bodies. To ensure the involvement of relevant authorities or bodies in implementing territorial strategies, those authorities or bodies should be responsible for the selection of operations to be supported, or involved in that selection.</p>		<p><b>'LEADER' under the European Agricultural Fund for Rural Development (EAFRD<sup>18</sup>)</b> or any other territorial tool under policy objective "a Europe closer to citizens" supporting initiatives designed by the Member State for investments programmed for the ERDF should be based on territorial and local development strategies. <b>The same should apply to related initiatives such as the Smart Villages.</b> For the purposes of ITIs and territorial tools designed by Member States, minimum requirements should be set out for the content of territorial strategies. Those territorial strategies should be developed and endorsed under the responsibility of relevant authorities or bodies. To ensure the involvement of relevant authorities or bodies in implementing territorial strategies, those authorities or bodies should be responsible for the selection of operations to be supported, or involved in that selection. <b>Territorial strategies, when promoting sustainable tourism initiatives, should ensure an appropriate balance between the needs of both residents and tourists, such as interconnecting cycling and railway networks.</b></p>		
			<p><i>Provisional common understanding</i> <b>(23a) In order to address effectively</b></p>	<p><i>Link to VII-6</i></p>	<p>49</p>

<sup>18</sup> Regulation (EU) [CAP Regulation]

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			<p><b>the development challenges in rural areas, coordinated support from the Funds and the EAFRD should be facilitated. Member States and regions should ensure that the interventions supported through the Funds and the EAFRD are complementary and are implemented in a coordinated manner with a view to creating synergies, in order to reduce the administrative cost and burden for managing bodies and beneficiaries.</b></p> <p><i>Comment: Names of the Funds to be aligned with outcome of discussions on the fund-specific regulations.</i></p>		
<p>(24) To better mobilise potential at the local level, it is necessary to strengthen and facilitate CLLD. It should take into account local needs and potential, as well as relevant socio-cultural characteristics, and should provide for structural changes, build community capacity and stimulate innovation. The close cooperation and integrated use of the Funds to deliver local development strategies should be strengthened. Local action groups, representing the interests of the community, should be, as an essential principle responsible for the design and implementation of CLLD strategies. In order to facilitate coordinated support from different Funds to CLLD strategies and to facilitate their implementation, the use of a 'Lead Fund' approach should be facilitated.</p>	<p>(24) To better mobilise potential at the local level, it is necessary to strengthen and facilitate CLLD. It should take into account local needs and potential, as well as relevant socio-cultural characteristics, and should provide for structural changes, build community <b>and administrative</b> capacity and stimulate innovation. The close cooperation and integrated use of the Funds to deliver local development strategies should be strengthened. Local action groups, representing the interests of the community, should be, as an essential principle responsible for the design and implementation of CLLD strategies. In order to facilitate coordinated support from different Funds to CLLD strategies and to facilitate their implementation, the use of a 'Lead Fund'</p>		<p><i>Provisional common understanding</i></p> <p>(24) To better mobilise potential at the local level, it is necessary to strengthen and facilitate CLLD. It should take into account local needs and potential, as well as relevant socio-cultural characteristics, and should provide for structural changes, build community capacity and stimulate innovation. The close cooperation and integrated use of the Funds <b>and the EAFRD</b> to deliver local development strategies should be strengthened. Local action groups, representing the interests of the community, should be, as an essential principle responsible for the design and implementation of CLLD strategies. In order to facilitate coordinated support</p>	<p><i>Link to I-213 and I-239</i></p>	<p>50</p>



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	approach should be facilitated.		from different Funds <b>and the EAFRD</b> to CLLD strategies and to facilitate their implementation, the use of a 'Lead Fund' approach should be facilitated. <b>When the EAFRD is selected as a Lead Fund, it should follow the rules established for the 'Lead Fund' approach.</b>		
<p>(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 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.</p>	<p>(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, <i>such as the evaluation of the skills set of human resources</i>, 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.</p>	<p>(25) In order to reduce the administrative burden, <b>it should be possible to implement technical assistance linked to programme implementation</b> at the initiative of the Member State <del>should be implemented</del> through a flat rate based on progress in programme implementation <b>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</b></p>	<p><i>Provisional common understanding</i></p> <p>(25) In order to reduce the administrative burden, <b>it should be possible to implement technical assistance linked to programme implementation</b> at the initiative of the Member State <del>should be implemented</del> through a flat rate based on progress in programme implementation <b>which may also cover horizontal tasks. 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. In order to facilitate financial management, Member States should have the possibility to indicate one or more bodies to which related reimbursements should be made. Since these reimbursements are based on the application of a flat-rate, verifications and audits should be limited to verifying that the conditions triggering reimbursement of the Union contribution are met but underlying expenditure should not be subject to verifications or audits.</b></p>	<p><i>Link to I-254</i></p>	<p>51</p>

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		<p><b>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</b></p> <p>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.</p>	<p><b>Nevertheless, where continuity with the 2014-2020 period is preferred, the Member State should also be provided with the possibility to continue receiving reimbursement of eligible costs actually incurred by the beneficiary and paid in implementing operations for technical assistance implemented through one or more separate programmes or one or more priorities within programmes. The Member State should indicate in its Partnership Agreement its choice of the form of Union contribution for technical assistance for the entire programming period. Regardless of the option chosen, That</b></p> <p>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.</p>		
<p>(26) It is opportune to clarify that, where a Member State proposes to the Commission that a priority of a programme or part thereof is supported through a financing scheme not linked to costs, the actions, deliverables and conditions agreed should be related to concrete investments undertaken under the shared management programmes in that Member State or region.</p>	<p><i>[no change]</i></p>	<p>(26) It is opportune to clarify that, where a Member State proposes to the Commission that a priority of a programme or part thereof is supported through a financing scheme not linked to costs, the actions, deliverables and conditions agreed should be related to concrete investments undertaken under the shared management programmes in that Member State or region. <b>In that</b></p>	<p><i>Provisional common understanding</i></p> <p>(26) It is opportune to clarify that, where a Member State proposes to the Commission that a priority of a programme or part thereof is supported through a financing scheme not linked to costs, the actions, deliverables and conditions agreed should be related to concrete investments undertaken under</p>	<p><i>Link to VI-90</i></p>	<p>52</p>

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		<p><b>context, when the Member State proposes and when the Commission approves such a scheme, the respect of the principle of sound financial management should be ensured. In particular, as regards the appropriateness of the amounts linked to the fulfilment of the respective conditions or the achievement of results, the Commission should ensure that the resources employed are adequate for the investments undertaken.</b></p> <p><b>Where a financing scheme not linked to costs is used in a programme, underlying costs linked to the implementation of that scheme should not be subject to any verifications or audits in light of the ex-ante agreement of the Commission in the programme or a delegated act on the amounts linked to the fulfilment of the conditions or the achievement of results.</b></p> <p><b>Verifications and audits should be limited to checking that the conditions or results triggering the reimbursement of the Union contribution are fulfilled.</b></p>	<p>the shared management programmes in that Member State or region. <b>In that context, the respect of the principle of sound financial management should be ensured. In particular, as regards the appropriateness of the amounts linked to the fulfilment of the respective conditions or the achievement of results, the Commission and the Member State should ensure that resources employed are adequate for the investments undertaken. Where a financing scheme not linked to costs is used in a programme, underlying costs linked to the implementation of that scheme should not be subject to any verifications or audits because the Commission provides an ex-ante agreement on the amounts linked to the fulfilment of the conditions or the achievement of results in the programme or in a delegated act. Verifications and audits should be limited to checking that the conditions or results triggering the reimbursement of the Union contribution are fulfilled.</b></p>		
(27) In order to examine the performance of the programmes, the Member State should set up monitoring committees. For the ERDF, the ESF+ and the Cohesion Fund, annual implementation reports	(27) In order to examine the performance of the programmes, the Member State should set up monitoring committees, <b>consisting also of representatives of civil society and social</b>		<p><i>Provisional common understanding</i></p> <p>(27) In order to examine the performance of the programmes, the Member State should set up monitoring committees, <b>including representatives of relevant</b></p>	<p><i>Former</i></p> <p><i>Link to</i></p>	53

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
should be replaced by an annual structured policy dialogue based on the latest information and data on programme implementation made available by the Member State.	<i>partners</i> . For the ERDF, the ESF+ and the Cohesion Fund, annual implementation reports should be replaced by an annual structured policy dialogue based on the latest information and data on programme implementation made available by the Member State.		<i>partners</i> . For the ERDF, the ESF+ and the Cohesion Fund, annual implementation reports should be replaced by an annual structured policy dialogue based on the latest information and data on programme implementation made available by the Member State.	III-12	
(27) In order to examine the performance of the programmes, the Member State should set up monitoring committees. For the ERDF, the ESF+ and the Cohesion Fund, annual implementation reports should be replaced by an annual structured policy dialogue based on the latest information and data on programme implementation made available by the Member State. <b>The annual review meeting should be organised also for programmes covering the JTF.</b>	(27) In order to examine the performance of the programmes, the Member State should set up monitoring committees, <b>including representatives of relevant partners</b> . For the ERDF, the ESF+ and the Cohesion Fund, annual implementation reports should be replaced by an annual structured policy dialogue based on the latest information and data on programme implementation made available by the Member State. The annual review meeting should be organised also for programmes covering the JTF.		<i>Provisional common understanding:</i>  (27) In order to examine the performance of the programmes, the Member State should set up monitoring committees, <b>including representatives of relevant partners</b> . For the ERDF, the ESF+ and the Cohesion Fund, annual implementation reports should be replaced by an annual structured policy dialogue based on the latest information and data on programme implementation made available by the Member State. The <del>annual</del> review meeting should be organised also for programmes covering the JTF.	New  <a href="#">Link to IX-12</a>	54
(28) Pursuant to paragraphs 22 and 23 of the Inter-institutional agreement for Better Law-Making of 13 April 2016 <sup>19</sup> , there is a need to evaluate the Funds on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burden,	(28) Pursuant to paragraphs 22 and 23 of the Inter-institutional agreement for Better Law-Making of 13 April 2016 <sup>20</sup> , there is a need to evaluate the Funds on the basis of information collected through specific monitoring requirements, while avoiding overregulation and		<i>Provisional common understanding</i>  (28) Pursuant to paragraphs 22 and 23 of the Inter-institutional agreement for Better Law-Making of 13 April 2016 <sup>21</sup> , there is a need to evaluate the Funds on the basis of information collected	<a href="#">Link to III-54</a>	55

<sup>19</sup> OJ L 123, 12.5.2016, p. 13.

<sup>20</sup> OJ L 123, 12.5.2016, p. 13.

<sup>21</sup> OJ L 123, 12.5.2016, p. 13.

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
in particular on Member States. These requirements, where appropriate, can include measurable indicators, as a basis for evaluating the effects of the Funds on the ground.	administrative burden, in particular on Member States. These requirements, where appropriate, can include measurable indicators, as a basis for evaluating the effects of the Funds on the ground. <b>Indicators should be developed in a gender sensitive manner when possible.</b>		through specific monitoring requirements, while avoiding overregulation and administrative burden, in particular on Member States. These requirements, where appropriate, can include measurable indicators, as a basis for evaluating the effects of the Funds on the ground. <b>These requirements should also enable the monitoring of the support of gender equality.</b>  <i>Note: Modification of the recital agreed together with modifications in CPR Annex I and CPR Annex V as submitted by the Commission for the technical meeting of 17.9.2020</i>		
(29) To ensure availability of comprehensive up-to-date information on programme implementation, more frequent electronic reporting on quantitative data should be required.	(29) To ensure availability of comprehensive up-to-date information on programme implementation, <del>more frequent</del> <b>effective and timely</b> electronic reporting on quantitative data should be required.		<i>Provisional common understanding</i>  (29) To ensure availability of comprehensive up-to-date information on programme implementation, <del>more frequent</del> <b>effective and timely</b> electronic reporting on quantitative data should be required.	<a href="#">Link to III-48</a>	56
(30) In order to support the preparation of related programmes and activities of the next programming period, the Commission should carry out a mid-term assessment of the Funds. At the end of the programming period, the Commission should carry out retrospective evaluations of the Funds, which should focus on the impact of the Funds.	(30) In order to support the preparation of related programmes and activities of the next programming period, the Commission should carry out a mid-term assessment of the Funds. At the end of the programming period, the Commission should carry out retrospective evaluations of the Funds, which should focus on the impact of the Funds. <b>The results of these</b>		<i>Provisional common understanding</i>  (30) In order to support the preparation of related programmes and activities of the next programming period, the Commission should carry out a mid-term assessment of the Funds. At the end of the programming period, the Commission should carry out retrospective evaluations of the Funds,	<a href="#">Link to III-79</a>	57

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	<i>evaluations should be made public.</i>		which should focus on the impact of the Funds. <b>The results of these evaluations should be made public.</b>		
(31) Programme authorities, beneficiaries and stakeholders in Member States should raise awareness of the achievements of Union funding and inform the general public accordingly. Transparency, communication and visibility activities are essential in making Union action visible on the ground and should be based on true, accurate and updated information. In order for these requirements to be enforceable, programme authorities and the Commission should be able to apply remedial measures in case of non-compliance.	<i>[no change]</i>		Provisional common understanding: <i>[No change]</i>		58
(32) Managing authorities should publish structured information on selected operations and beneficiaries on the website of the programme providing support to the operation, while taking account of requirements for data protection of personal data in accordance with Regulation (EU) 2016/679 <sup>22</sup> of the European Parliament and of the Council.	<i>[no change]</i>		Provisional common understanding: <i>[No change]</i>		59
(33) With a view to simplifying the use of the Funds and reducing the risk of error, it is appropriate to define both the forms of Union contribution to Member States and	<i>[no change]</i>		Provisional common understanding:  (33) With a view to simplifying the use of the Funds and reducing the risk of		60

<sup>22</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) OJ L 119, 4.5.2016, p. 1.

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
the forms of support provided by Member States to beneficiaries.			error, it is appropriate to define both the forms of Union contribution to Member States and the forms of support provided by Member States to beneficiaries. <b><u>It should also be possible for managing authorities to provide grants through the form of financing not linked to costs where these are covered by reimbursement of the Union contribution based on the same form, in order to increase experience with this simplification possibility.</u></b>		
(34) As regards grants provided to beneficiaries, Member States should increasingly make use of simplified cost options. The threshold linked to the obligatory use of simplified cost options should be linked to the total costs of the operation in order to ensure the same treatment of all operations below the threshold, regardless of whether the support is public or private.	(34) As regards grants provided to beneficiaries, Member States should increasingly make use of simplified cost options. The threshold linked to the obligatory use of simplified cost options should be linked to the total costs of the operation in order to ensure the same treatment of all operations below the threshold, regardless of whether the support is public or private. <b><i>Where a Member State intends to propose the use of a simplified cost option, it could consult the monitoring committee.</i></b>		<i>Provisional common understanding</i>  (34) As regards grants provided to beneficiaries, Member States should increasingly make use of simplified cost options. The threshold linked to the obligatory use of simplified cost options should be linked to the total costs of the operation in order to ensure the same treatment of all operations below the threshold, regardless of whether the support is public or private. <b>Where a managing authority intends to propose the use of a simplified cost option in a call for proposals, it should have the possibility to consult the monitoring committee. Amounts and rates established by Member States need to be a reliable proxy to real costs. Periodic adjustments are a good practice in the context of multi-annual programme implementation to take into account factors affecting rates</b>	<i>Link to III-18 and IV-48</i>	61

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<b>and amounts. In order to facilitate the uptake of simplified cost options, this Regulation should also provide methods and rates that can be used without the requirement for Member States to perform a calculation or define a methodology.</b>		
(35) To enable immediate implementation of flat-rates, any flat rate established by Member States in the 2014-2020 period based on a fair, equitable and verifiable calculation method should continue to be applied for similar operations supported under this Regulation without requiring a new calculation method.	<i>[no change]</i>		<i>Provisional common understanding:</i>  <i>[No change]</i>		62
(36) In order to optimise the uptake of co-financed environmental investments, synergies should be ensured with the LIFE programme for Environmental and Climate Action, in particular through LIFE strategic integrated projects and strategic nature projects.	(36) In order to optimise the uptake of co-financed environmental investments, synergies should be ensured with the LIFE programme for Environmental and Climate Action, in particular through LIFE strategic integrated projects and strategic nature projects, <b>as well as with projects funded under Horizon Europe and other Union programmes.</b>		<i>Provisional common understanding:</i>  (36) In order to optimise the uptake of co-financed environmental investments, synergies should be ensured with the LIFE programme for Environmental and Climate Action, in particular through LIFE strategic integrated projects and strategic nature projects, <b>as well as with projects funded under Horizon Europe and other Union programmes.</b>	<i>Link to I-51</i>	63
			<i>Provisional common understanding</i>  <b>(36a) Given the protracted low-interest environment and in order not to unduly penalise bodies implementing financial instruments, it is necessary, subject to active treasury management by these bodies, to enable</b>	<i>Link to IV-106</i>	64



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<b>the financing of negative interest generated as a result of investments of the Funds from resources paid back to the financial instrument. Through active treasury management, the bodies implementing financial instruments should seek to optimise returns and minimise charges, within an acceptable level of risk.</b>		
(37) In order to provide legal clarity, it is appropriate to specify the eligibility period for expenditure or costs linked to operations supported by the Funds under this Regulation and to restrict support for completed operations. The date from which expenditure becomes eligible for support from the Funds in case of adoption of new programmes or of changes in the programmes should also be clarified, including the exceptional possibility to extend the eligibility period to the start of a natural disaster in case there is urgent need to mobilise resources to respond to such disaster.	<i>[no change]</i>	(37) In order to provide legal clarity, it is appropriate to specify the eligibility period for expenditure or costs linked to operations supported by the Funds under this Regulation and to restrict support for completed operations. The date from which expenditure becomes eligible for support from the Funds in case of adoption of new programmes or of changes in the programmes should also be clarified, including the exceptional possibility to extend the eligibility period to the start of a natural disaster in case there is urgent need to mobilise resources to respond to such disaster. <b>At the same time, flexibility in programme implementation should be provided for as regards the eligibility of expenditure for operations which contribute to the objectives of the programme, regardless if they are implemented outside of a Member State or the Union or in the same category of region within a Member State.</b>	<i>Provisional common understanding</i>  (37) In order to provide legal clarity, it is appropriate to specify the eligibility period for expenditure or costs linked to operations supported by the Funds under this Regulation and to restrict support for completed operations. The date from which expenditure becomes eligible for support from the Funds in case of adoption of new programmes or of changes in the programmes should also be clarified, including the exceptional possibility to extend the eligibility period to the start of a natural disaster in case there is urgent need to mobilise resources to respond to such disaster. <b>At the same time, flexibility in programme implementation should be provided for as regards the eligibility of expenditure for operations which contribute to the objectives of the programme, regardless if they are implemented outside of a Member State or the Union or in the same category of region within a Member</b>	<i>Link to IV-123</i>	65

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			State.		
		<b>(37a) In order to provide the necessary flexibility for implementation of PPPs, the PPP agreement should specify when expenditure is considered eligible, in particular under which conditions it is incurred by the beneficiary or by the private partner of the PPP, irrespective of who is carrying out the payments in implementing the PPP operation.</b>	<i>Provisional common understanding</i> <b>(37a) In order to provide the necessary flexibility for implementation of PPPs, the PPP agreement should specify when expenditure is considered eligible, in particular under which conditions it is incurred by the beneficiary or by the private partner of the PPP, irrespective of who is carrying out the payments in implementing the PPP operation.</b>	<i>Link to IV-20</i>	66
(38) To ensure the effectiveness, fairness and sustainable impact of the Funds, there should be provisions guaranteeing that investments in infrastructure or productive investment are long-lasting and prevent the Funds from being used to undue advantage. Managing authorities should pay particular attention not to support relocation when selecting operations and to treat sums unduly paid to operations not complying with the requirement of durability as irregularities.	(38) To ensure the <b>inclusiveness</b> , effectiveness, fairness and sustainable impact of the Funds, there should be provisions guaranteeing that investments in infrastructure or productive investment are <b>non-discriminatory and</b> long-lasting and prevent the Funds from being used to undue advantage. Managing authorities should pay particular attention not to support relocation when selecting operations and to treat sums unduly paid to operations not complying with the requirement of durability as irregularities.		<i>Provisional common understanding:</i> <i>[No change]</i>	<i>Link to I-31</i>	67
(39) With a view to improving complementarities and simplifying implementation, it should be possible to combine support from the Cohesion Fund and the ERDF with support from the ESF+ in joint programmes under the Investment for jobs and growth goal.	<i>[no change]</i>			<i>Former</i>	68

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
(39) With a view to improving complementarities and simplifying implementation, it should be possible to combine support from the Cohesion Fund, <b>the JTF</b> and the ERDF with support from the ESF+ in joint programmes under the Investment for jobs and growth goal.	<i>[no change]</i>		Provisional common understanding:  <i>[no change]</i>	New  <i>Link to IX-14</i>	69
(40) In order to optimise the added value from investments funded wholly or in part through the budget of the Union, synergies should be sought in particular between the Funds and directly managed instruments, including the Reform Delivery Tool. Those synergies should be achieved through key mechanisms, namely the recognition of flat rates for eligible costs from Horizon Europe for a similar operation and the possibility of combining funding from different Union instruments in the same operation as long as double financing is avoided. This Regulation should therefore set out rules for complementary financing from the Funds.	(40) In order to optimise the added value from investments funded wholly or in part through the budget of the Union, synergies should be sought in particular between the Funds and directly managed instruments, including the Reform Delivery Tool. <b><i>This policy coordination should promote easy-to-use mechanisms and multi-level governance.</i></b> Those synergies should be achieved through key mechanisms, namely the recognition of flat rates for eligible costs from Horizon Europe for a similar operation and the possibility of combining funding from different Union instruments in the same operation as long as double financing is avoided. This Regulation should therefore set out rules for complementary financing from the Funds.			<i>Link to I-15</i>	70
(41) Financial instruments should not be used to support refinancing activities, such as replacing existing loan agreements or other forms of financing for investments which have already been physically completed or fully implemented at the date	<i>[no change]</i>				71

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
of the investment decision, but rather to support any type of new investments in line with the underlying policy objectives.					
(42) The decision to finance support measures through financial instruments should be determined on the basis of an <i>ex ante</i> assessment. This Regulation should lay down the minimum mandatory elements of <i>ex ante</i> assessments and should allow Member States to make use of the <i>ex ante</i> assessment carried out for the 2014-2020 period, updated where necessary, in order to avoid administrative burden and delays in setting up financial instruments.	<i>[no change]</i>	(42) The decision <b>by the managing authorities</b> to finance support measures through financial instruments should be determined on the basis of an <i>ex ante</i> assessment. This Regulation should lay down the minimum mandatory elements of <i>ex ante</i> assessments, <b>for which indicative information available at the date of their completion should be provided</b> , and should allow Member States to make use of the <i>ex ante</i> assessments carried out for the 2014-2020 period, updated where necessary, in order to avoid administrative burden and delays in setting up financial instruments.	<i>Provisional common understanding</i>  (42) The decision <b>by the managing authorities</b> to finance support measures through financial instruments should be determined on the basis of an <i>ex ante</i> assessment. This Regulation should lay down the minimum mandatory elements of <i>ex ante</i> assessments, <b>for which indicative information available at the date of their completion should be provided</b> , and should allow Member States to make use of the <i>ex ante</i> assessments carried out for the 2014-2020 period, updated where necessary, in order to avoid administrative burden and delays in setting up financial instruments.	<a href="#">Link to IV-67</a>	72
	<b><i>(42a) Managing authorities should have the possibility to implement financial instruments through a direct award of a contract to the EIB Group, national promotional banks and to international financial institutions (IFIs).</i></b>		<i>Provisional common understanding</i>  <i>[EP amendment withdrawn - covered in recital 44]</i>	<a href="#">Link to IV-84</a>	73
(43) In order to facilitate the implementation of certain types of financial instruments where ancillary grant support is envisaged, it is possible to apply the rules on financial instruments on such combination in one financial instrument	<i>[no change]</i>				74

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
operation. Specific conditions preventing double financing in such cases should be set out.					
(44) In full respect of the applicable State aid and public procurement rules already clarified during the 2014-2020 programming period, the managing authorities should have the possibility to decide on the most appropriate implementation options for financial instruments in order to address the specific needs of target regions.	(44) In full respect of the applicable State aid and public procurement rules already clarified during the 2014-2020 programming period, the managing authorities should have the possibility to decide on the most appropriate implementation options for financial instruments in order to address the specific needs of target regions. <i><b>In this framework, the Commission should, in cooperation with the European Court of Auditors, give guidance to auditors, managing authorities and beneficiaries for assessing compliance with state aid and developing state aid schemes.</b></i>		<i>Provisional common understanding</i>  (44) In full respect of the applicable State aid and public procurement rules already clarified during the 2014-2020 programming period, the managing authorities should have the possibility to decide on the most appropriate implementation options for financial instruments in order to address the specific needs of target regions. <b>In addition, in order to ensure continuity with the 2014-2020 programming period, managing authorities should have the possibility to implement financial instruments through a direct award of a contract to the EIB and to international financial institutions in which a Member State is a shareholder. They should also have the possibility to award contracts directly to publicly-owned banks or institutions fulfilling the same strict conditions as provided for by the Regulation No. 2018/1046/EU in the 2014-2020 programming period. This Regulation should provide clear conditions in order to ensure that the possibility of direct award remains consistent with the principles of the internal market. In this framework, the Commission should provide</b>	<i>Link to IV-65 and IV-84</i>	75

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			support to auditors, managing authorities and beneficiaries for ensuring compliance with state aid rules.		
(45) In accordance with the principle and rules of shared management, Member States and the Commission should be responsible for the management and control of programmes and give assurance on the legal and regular use of the Funds. Since Member States should have the primary responsibility for such management and control and should ensure that operations supported by the Funds comply with applicable law, their obligations in that regard should be specified. The powers and responsibilities of the Commission in that context should also be laid down.	<i>[no change]</i>				76
	<b><i>(45a) In order to increase accountability and transparency, the Commission should provide for a complaints-handling system accessible to all citizens and stakeholders at all stages of preparation and implementation of programmes including monitoring and evaluation.</i></b>		Provisional common understanding <i>[EP amendment withdrawn]</i>	Link to V-31bis	77
(46) In order to hasten the start of programme implementation, the roll-over of implementation arrangements from the previous programming period should be facilitated. The use of the computerised system already established for the previous	(46) In order to hasten the start of programme implementation, the roll-over of implementation arrangements, <b><i>including administrative and IT systems,</i></b> from the previous programming period should be facilitated <b><i>where possible.</i></b> The			Link I-84	78

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
programming period, adapted as required, should be maintained, unless a new technology is necessary.	use of the computerised system already established for the previous programming period, adapted as required, should be maintained, unless a new technology is necessary.				
		<b>(xx) The Member State, at its own initiative, should have the possibility to identify a coordinating body to liaise with and provide information to the Commission and to coordinate activities of the programme authorities in that Member State.</b>	<i>Provisional common understanding</i> <b>(46a) The Member State, at its own initiative, should have the possibility to identify a coordinating body to liaise with and provide information to the Commission and to coordinate activities of the programme authorities in that Member State.</b>	<a href="#">Link to V-38</a>	79
(47) To streamline programme management functions, the integration of accounting functions with those of the managing authority should be maintained for the programmes supported by the AMIF, the ISF and the BMVI, and should be an option for the other Funds.	<i>[no change]</i>				80
(48) Since the managing authority bears the main responsibility for the effective and efficient implementation of the Funds and therefore fulfils a substantial number of functions, its functions in relation to the selection of projects, programme management and support for the monitoring committee should be set out in detail. Operations selected should be in line with the horizontal principles.	<i>[no change]</i>	(48) Since the managing authority bears the main responsibility for the effective and efficient implementation of the Funds and therefore fulfils a substantial number of functions, its functions in relation to the selection of <del>projects</del> <b>operations</b> , programme management and support for the monitoring committee should be set out in detail. <b>Procedures for the selection of operations can be competitive or non-competitive provided that</b> operations selected	<i>Provisional common understanding</i> (48) Since the managing authority bears the main responsibility for the effective and efficient implementation of the Funds and therefore fulfils a substantial number of functions, its functions in relation to the selection of operations, programme management and support for the monitoring committee should be set out in detail. <b>Procedures for the selection of operations can be competitive or non-competitive</b>	<a href="#">Link to V-52 and to VII-67 (last para)</a>	81

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		<p><b>maximise contribution of the Union funding and are</b> <del>should be</del> in line with the horizontal principles.</p>	<p><b>provided that criteria applied and procedures used are non-discriminatory, inclusive and transparent and the operations selected maximise contribution of the Union funding and are</b> <del>should be</del> in line with the horizontal principles <b>defined in Article 6 a.</b></p> <p><b>With a view to pursuing the objective of achieving a climate neutral Union by 2050, Member States should ensure the climate proofing of investments in infrastructure and should prioritise operations that respect the ‘energy efficiency first’ principle when selecting such investments.</b></p>		
	<p><i>(48a) To support the effective use of the Funds, the EIB support should be available to all Member States at their request. This could cover capacity building, support for project identification, preparation and implementation, as well as advice on financial instruments and investment platforms.</i></p>			<p><i>Link to I-61</i></p>	<p>82</p>
<p>(49) In order to optimise synergies between the Funds and directly managed instruments, the provision of support for operations that have already received a Seal of Excellence certification should be facilitated.</p>	<p><i>[no change]</i></p>		<p><i>Provisional common understanding</i></p> <p>(49) <del>In order to optimise</del> The synergies between the Funds and directly managed instruments should be optimised. The provision of support for operations that have already received a Seal of Excellence <del>certification or were co-</del></p>	<p><i>Link to V-69</i></p>	<p>83</p>



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<b>funded by Horizon Europe with a contribution from the Funds</b> should be facilitated. <b>Conditions already assessed at Union level, prior to the awarding of the Seal of Excellence label or the co-funding by Horizon Europe, should not be assessed again, as long as the operations comply with a limited set of criteria established in this Regulation. This should also facilitate following the appropriate rules set out in GBER.</b>		
(50) To ensure an appropriate balance between the effective and efficient implementation of the Funds and the related administrative costs and burdens, the frequency, scope and coverage of management verifications should be based on a risk assessment that takes account of factors such as the type of operations implemented, the beneficiaries as well as the level of risk identified by previous management verifications and audits.	(50) To ensure an appropriate balance between the effective and efficient implementation of the Funds and the related administrative costs and burdens, the frequency, scope and coverage of management verifications should be based on a risk assessment that takes account of factors such as the type of operations implemented, the <b>complexity and number of operations, the beneficiaries</b> as well as the level of risk identified by previous management verifications and audits. <b>Management and control measures for the Funds should be proportionate to the level of risk to the Union budget.</b>		<i>Provisional common understanding</i>  (50) To ensure an appropriate balance between the effective and efficient implementation of the Funds and the related administrative costs and burdens, the frequency, scope and coverage of management verifications should be based on a risk assessment that takes account of factors such as the <b>number, type, size and content</b> of operations implemented, the beneficiaries as well as the level of the risk identified by previous management verifications and audits. <b>Management verifications should be proportionate to the risks resulting from that risk assessment and audits should be proportionate to the level of risk to the budget of the Union.</b>	<a href="#">Link to V-84</a>	84
(51) The audit authority should carry out audits and ensure that the audit opinion provided to the Commission is reliable.	<i>[no change]</i>	(51) The audit authority should carry out audits and ensure that the audit opinion provided to the Commission is reliable.	<i>Provisional common understanding</i>  (51) The audit authority should carry out	<a href="#">Link to V-138</a>	85

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
That audit opinion should provide assurance to the Commission on three points, namely the legality and regularity of the declared expenditure, the effective functioning of the management and control systems and the completeness, accuracy and veracity of the accounts.		That audit opinion should provide assurance to the Commission on three points, namely the legality and regularity of the declared expenditure, the effective functioning of the management and control systems and the completeness, accuracy and veracity of the accounts. <b>Where an audit based on internationally accepted audit standards providing reasonable assurance has been conducted by an independent auditor on the financial statements and reports setting out the use of a Union contribution, that audit should form the basis of the overall assurance the audit authority provides to the Commission, insofar as there is sufficient evidence of the independence and competence of the auditor in accordance with Article 127 of Regulation No. 2018/1046.</b>	audits and ensure that the audit opinion provided to the Commission is reliable. That audit opinion should provide assurance to the Commission on three points, namely the legality and regularity of the declared expenditure, the effective functioning of the management and control systems and the completeness, accuracy and veracity of the accounts. <b>Where an audit based on internationally accepted audit standards providing reasonable assurance has been conducted by an independent auditor on the financial statements and reports setting out the use of a Union contribution, that audit should form the basis of the overall assurance the audit authority provides to the Commission, insofar as there is sufficient evidence of the independence and competence of the auditor in accordance with Article 127 of Regulation No. 2018/1046.</b>		
(52) A reduction of verifications and audit requirements should be possible where there is assurance that the programme has functioned effectively for the latest two consecutive years since this demonstrates that the Funds are being implemented effectively and efficiently over a prolonged period of time.	<i>[no change]</i>				86
(53) To reduce administrative burden on beneficiaries and administrative costs, the concrete application of the single audit	<i>[no change]</i>				87

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
principle should be specified for the Funds.					
		<b>(x) In order to enhance the preventive role of audit, provide legal transparency and share good practice, the Commission should be able to share audit reports at the request of Member States, with the consent of the audited Member States.</b>	<i>Provisional common understanding</i> <b>(53a) In order to enhance the preventive role of audit, provide legal transparency and share good practice, the Commission should be able to share audit reports at the request of Member States, with the consent of the audited Member States.</b>	<a href="#">Link to VII-64</a>	88
(54) In order to improve financial management, a simplified pre-financing scheme should be provided for. The pre-financing scheme should ensure that a Member State has the means to provide support to beneficiaries from the start of the implementation of the programme.	<i>[no change]</i>				89
(55) To reduce the administrative burden for Member States as well as for the Commission, a compulsory schedule of quarterly payment applications should be established. Commission payments should continue to be subject to a 10 % retention until the payment of the annual balance of accounts when the Commission is able to conclude that the accounts are complete, accurate and true.	<i>[no change]</i>	(55)To reduce the administrative burden for Member States as well as for the Commission, a <del>compulsory</del> schedule of quarterly payment applications should be established. Commission payments should <del>continue to</del> be subject to a <del>10</del> <b>5%</b> retention until the payment of the annual balance of accounts when the Commission is able to conclude that the accounts are complete, accurate and true.	<i>Provisional common understanding</i> (55) To reduce the administrative burden for Member States as well as for the Commission, a <del>compulsory</del> schedule of quarterly payment applications should be established. Commission payments should <del>continue to</del> be subject to a <del>10%</del> <b>5%</b> retention until the payment of the annual balance of accounts when the Commission is able to conclude that the accounts are complete, accurate and true.	<a href="#">Link to VI-32</a>	90
(56) In order to reduce the administrative burden, the procedure for the annual acceptance of accounts should be	<i>[no change]</i>				91

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
simplified by providing simpler modalities for payments and recoveries where there is no disagreement between the Commission and the Member State.					
<p>(57) In order to safeguard the financial interests and the budget of the Union proportionate measures should be established and implemented at the level of Member States and of the Commission. The Commission should be able to interrupt payments deadlines, suspend interim payments and apply financial corrections where the respective conditions are fulfilled. The Commission should respect the principle of proportionality by taking into account the nature, gravity and frequency of irregularities and their financial implications for the budget of the Union.</p>	[no change]	<p>(57) In order to safeguard the financial interests and the budget of the Union proportionate measures should be established and implemented at the level of Member States and of the Commission. The Commission should be able to interrupt payments deadlines, suspend interim payments and apply financial corrections where the respective conditions are fulfilled. The Commission should respect the principle of proportionality by taking into account the nature, gravity and frequency of irregularities and their financial implications for the budget of the Union.  <b>Where it is not possible for the Commission to quantify precisely the amount of irregular expenditure in order to apply financial corrections linked to individual cases, it should apply a flat-rate or extrapolated financial correction.</b></p>	<p><i>Provisional common understanding</i></p> <p>(57) In order to safeguard the financial interests and the budget of the Union proportionate measures should be established and implemented at the level of Member States and of the Commission. The Commission should be able to interrupt payments deadlines, suspend interim payments and apply financial corrections where the respective conditions are fulfilled. The Commission should respect the principle of proportionality by taking into account the nature, gravity and frequency of irregularities and their financial implications for the budget of the Union.  <b>Where it is not possible for the Commission to quantify precisely the amount of irregular expenditure in order to apply financial corrections linked to individual cases, it should apply a flat-rate or statistically extrapolated financial correction.</b>  <b>Suspension of interim payments based on a reasoned opinion issued by the Commission pursuant to Article 258 of the TFEU, should be possible provided there is a sufficiently direct link between the matter addressed by the reasoned opinion and the expenditure</b></p>	Link to VI-118 and VI-185	92

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<b>at stake so as to put at risk its legality and regularity.</b>		
(58) Member States should also prevent, detect and deal effectively with any irregularities including fraud committed by beneficiaries. Moreover, in accordance with Regulation (EU, Euratom) No 883/2013 <sup>23</sup> , and Regulations (Euratom, EC) No 2988/95 <sup>24</sup> and No 2185/96 <sup>25</sup> the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939 <sup>26</sup> , the European Public Prosecutor's Office may investigate and prosecute fraud and other criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 <sup>27</sup> on the fight against	(58) Member States should also prevent, detect and deal effectively with any irregularities including fraud committed by beneficiaries. Moreover, in accordance with Regulation (EU, Euratom) No 883/2013 <sup>28</sup> , and Regulations (Euratom, EC) No 2988/95 <sup>29</sup> and No 2185/96 <sup>30</sup> the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939 <sup>31</sup> , the European Public Prosecutor's Office may investigate and prosecute fraud and other criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 <sup>32</sup> on the fight against		<i>Provisional common understanding on the following addition to recital (58) (first part of the EP AM to be discussed):</i>  <b>Member States should cooperate with the Commission, OLAF, the Court of Auditors and, where applicable, the EPPO, in accordance with point (d) of Article 63(2) of Regulation [...] Financial Regulation on all matters related to suspected or established fraud.</b>	<i>Link to V-5</i>	93

<sup>23</sup> Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

<sup>24</sup> Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1).

<sup>25</sup> Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

<sup>26</sup> Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

<sup>27</sup> Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
<p>fraud to the Union's financial interests by means of criminal law. Member States should take the necessary measures so that any person or entity receiving Union funds fully cooperates in the protection of the Union's financial interests, grants the necessary rights and access to the Commission, the European Anti-Fraud Office (OLAF), the European Public Prosecutor's Office (EPPO) and the European Court of Auditors (ECA) and ensures that any third parties involved in the implementation of Union funds grant equivalent rights. Member States should report to the Commission on detected irregularities including fraud, and on their follow-up as well as on the follow-up of OLAF investigations.</p>	<p>fraud to the Union's financial interests by means of criminal law. Member States should take the necessary measures so that any person or entity receiving Union funds fully cooperates in the protection of the Union's financial interests, grants the necessary rights and access to the Commission, the European Anti-Fraud Office (OLAF), the European Public Prosecutor's Office (EPPO) and the European Court of Auditors (ECA) and ensures that any third parties involved in the implementation of Union funds grant equivalent rights. Member States should <i>provide a detailed</i> report to the Commission on detected irregularities including fraud, and on their follow-up as well as on the follow-up of OLAF investigations. <i>Member States that do not participate in the enhanced cooperation with the EPPO should report to the Commission on decisions taken by national prosecution authorities in relation to cases of irregularities affecting the Union</i></p>				

<sup>28</sup> Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

<sup>29</sup> Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1).

<sup>30</sup> Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

<sup>31</sup> Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

<sup>32</sup> Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>budget.</i>				
			<i>Provisional common understanding</i>  <b>(x) To enhance the protection of the Union's budget, the Commission should make available an integrated and interoperable information and monitoring system including a single data-mining and risk-scoring tool to access and analyse the relevant data, and the Commission should encourage its use with a view to a generalised application by Member States.</b>  <i>[Place of recital still subject to technical verification]</i>		93A
(59) In order to encourage financial discipline, it is appropriate to define the arrangements for decommitment of budgetary commitments at programme level.	<i>[no change]</i>				94
			<i>Provisional common understanding</i>  <b>(x) In order to allow Member States appropriate time to declare to the Commission expenditure up to the available level of resources in the event of the adoption of the new rules or programmes under shared management after 1 January 2021, the amounts corresponding to the allocations not used in year 2021 should be transferred in equal proportions to the years 2022 to 2025</b>	<i>LINKED TO 1342</i>	94A

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<p>as envisaged under [Article 6 of the MFF regulation].</p> <p><i>[Place of recital still subject to technical verification]</i></p>		
<p>(60) In order to promote the objectives of the TFEU related to economic, social and territorial cohesion, the Investment for jobs and growth goal should support all regions. To provide balanced and gradual support and reflect the level of economic and social development, resources under that goal should be allocated from the ERDF and the ESF+ on the basis of an allocation key which is predominantly based on GDP <i>per capita</i>. Member States whose <i>per capita</i> gross national income ('GNI') is less than 90 % of that of the Union average should benefit under the Investment for jobs and growth goal from the Cohesion Fund.</p>	<p><i>[no change]</i></p>				95
			<p><i>Provisional common understanding</i></p> <p><b>(60a) The resources for the European territorial cooperation goal should be allocated to Member States on the basis of the allocation methodology which takes into account in particular population density in border areas. Additionally, to ensure continuity of existing programmes under the European territorial cooperation goal, specific provisions to define programme areas and the eligibility of</b></p>	<p><i>Link to VIII-110 (Annex XXII)</i></p>	96



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<b>regions under the different strands of Interreg should be set out in the relevant Fund-specific regulation.</b>		
(61) Objective criteria should be established for designating eligible regions and areas for support from the Funds. To this end, the identification of the regions and areas at Union level should be based on the common system of classification of the regions established by Regulation (EC) No 1059/2003 of the European Parliament and the Council <sup>33</sup> , as amended by Commission Regulation (EU) No 868/2014 <sup>34</sup> .	(61) Objective criteria should be established for designating eligible regions and areas for support from the Funds. To this end, the identification of the regions and areas at Union level should be based on the common system of classification of the regions established by Regulation (EC) No 1059/2003 of the European Parliament and the Council <sup>35</sup> , as <i>most recently</i> amended by Commission Regulation (EU) <i>No 2016/2066</i> <sup>36</sup> .				97
(62) In order to set out an appropriate financial framework for the ERDF, the ESF+ and the Cohesion Fund, the Commission should set out the annual breakdown of available allocations per Member State under the Investment for jobs and growth goal together with the list of eligible regions, as well as the allocations for the European territorial cooperation goal (Interreg). Taking into	(62) In order to set out an appropriate financial framework for the ERDF, the ESF+, <i>the EMFF</i> and the Cohesion Fund, the Commission should set out the annual breakdown of available allocations per Member State under the Investment for jobs and growth goal together with the list of eligible regions, as well as the allocations for the European territorial cooperation goal				98

<sup>33</sup> Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

<sup>34</sup> Commission Regulation (EU) No 868/2014 of 8 August 2014 amending the annexes to Regulation (EC) No 1059/2003 of the European Parliament and of the Council on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 241, 13.8.2014, p. 1).

<sup>35</sup> Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

<sup>36</sup> Commission Regulation (EU) ~~868/2014 of 8 August 2014~~ *No 2066/2016 of 21 November 2016* amending the annexes to Regulation (EC) No 1059/2003 of the European Parliament and of the Council on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L ~~241, 13.8.2014~~ *322, 29.11.2016*, p. 1).

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
account that the national allocations of Member States should be established on the basis of the statistical data and forecasts available in 2018 and given the forecasting uncertainties, the Commission should review the total allocations of all Member States in 2024 on the basis of the most recent statistics available at the time and, where there is a cumulative divergence of more than +/- 5 %, it should adjust those allocations for the years 2025 to 2027 in order for the outcomes of the mid-term review and the technical adjustment exercise to be reflected in programme amendments at the same time.	(Interreg). Taking into account that the national allocations of Member States should be established on the basis of the statistical data and forecasts available in 2018 and given the forecasting uncertainties, the Commission should review the total allocations of all Member States in 2024 on the basis of the most recent statistics available at the time and, where there is a cumulative divergence of more than +/- 5 %, it should adjust those allocations for the years 2025 to 2027 in order for the outcomes of the mid-term review and the technical adjustment exercise to be reflected in programme amendments at the same time.				
(63) Trans-European transport networks projects in accordance with Regulation (EU) No [new CEF Regulation] <sup>37</sup> will continue to be financed from the Cohesion Fund via both shared management and the direct implementation mode under the Connecting Europe Facility ('CEF'). Building on the successful approach of the 2014-2020 programming period, EUR 10 000 000 000 of the Cohesion Fund should be transferred to the CEF for this purpose.	(63) Trans-European transport networks projects in accordance with Regulation (EU) No [new CEF Regulation] <sup>38</sup> will continue to be financed from the Cohesion Fund via both shared management and the direct implementation mode under the Connecting Europe Facility ('CEF'). Building on the successful approach of the 2014-2020 programming period, EUR <del>10 000 000 000</del> <b>4 000 000 000</b> of the Cohesion Fund should be transferred to the CEF for this purpose.				99
(64) A certain amount of the resources from ERDF, the ESF+ and the Cohesion	(64) A certain amount of the resources from ERDF, the ESF+ and the Cohesion				100

<sup>37</sup> Regulation (EU) [...] of the European Parliament and of the Council of [...] on [CEF] (OJ L [...], [...], p. [...])

<sup>38</sup> Regulation (EU) [...] of the European Parliament and of the Council of [...] on [CEF] (OJ L [...], [...], p. [...])

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
Fund should be allocated to the European Urban Initiative which should be implemented through direct or indirect management by the Commission.	Fund should be allocated to the European Urban Initiative which should be implemented through direct or indirect management by the Commission. <i>Further reflection should be carried out in future on the specific support which is provided for disadvantaged regions and communities.</i>				
(65) With a view to ensuring an appropriate allocation to categories of regions, as a principle, the total allocations to Member States in respect of less developed, transitional and more developed regions should not be transferable between the categories. Nevertheless, to accommodate Member State's needs to tackle specific challenges, Member States should be able to request a transfer from their allocations for more developed regions or for transition regions to less developed regions and should justify that choice. In order to ensure sufficient financial resources for less developed regions, a ceiling should be established for transfers to more developed regions or to transition regions. Transferability of resources between goals should not be possible.	<i>[no change]</i>				101
			<i>Provisional common understanding</i>  <b>(x) Where a region was categorised as more developed for the period 2014-2020 and is categorised as transition for the period 2021-2027 and would</b>		101A

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<p>receive less support for the period 2021-2027 based on the allocation methodology, the Member State concerned is invited to take this factor into account when deciding on its internal distribution of funding.</p> <p><i>[Place of recital still subject to technical verification]</i></p>		
	<p><i>(65a) With a view to tackling the challenges faced by middle income regions, as described in the 7th cohesion report<sup>39</sup> (low growth compared to more developed regions but also compared to less developed regions, this issue being faced especially by regions with a GDP per capita between 90% and 100% of the average GDP of the EU-27), "transition regions" should receive adequate support and be defined as regions whose GDP per capita is between 75 % and 100% of the average GDP of the EU-27.</i></p>				102
<p>(66) Within the context of the unique and specific circumstances on the island of Ireland, and with a view to supporting North-South cooperation under the Good Friday Agreement, a new 'PEACE PLUS' cross-border programme should continue and build on the work of previous programmes, Peace and INTERREG, between the border counties of Ireland and</p>	<p><i>[no change]</i></p>				103

<sup>39</sup> *The Commission's 7th report on economic, social and territorial cohesion, entitled 'My region, My Europe, Our future: The 7th report on economic, social and territorial cohesion' (COM(2017)0583, 9 October 2017).*

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
Northern Ireland. Taking into account its practical importance, this programme should be supported with a specific allocation to continue support for peace and reconciliation actions, and that an appropriate share of the Irish allocation under the European Territorial Cooperation goal (Interreg) should also be allocated to the programme.					
	<p><i>(66 a) Within the context of the UK's withdrawal from the Union, several regions and Member States will be more exposed to the consequences of this withdrawal than the others, due to their geography, nature and / or the extent of their trading links. It is therefore important to identify practical solutions for support also within the framework of cohesion policy to address the challenges for the concerned regions and Member States once the UK's withdrawal has taken place.</i></p> <p><i>Furthermore, a continuous cooperation, involving exchanges of information and good practices at the level of the most impacted local and regional authorities and Member States will need to be established.</i></p>				104
(67) It is necessary to establish the maximum rates of co-financing in the area of cohesion policy by category of region in order to ensure that the principle of co-financing is respected through an appropriate level of public or private	(67) It is necessary to establish the maximum rates of co-financing in the area of cohesion policy by category of region in order to ensure that the principle of co-financing is respected through an appropriate level of public or private				105

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
national support. Those rates should reflect the level of economic development of regions in terms of GDP <i>per capita</i> in relation to the EU-27 average.	national support. Those rates should reflect the level of economic development of regions in terms of GDP per capita in relation to the EU-27 average, <b>while safeguarding no less favourable treatment due to shifts in their categorisation.</b>				
(68) In order to supplement and amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the TFEU should be delegated to the Commission in respect of the amendment of the elements contained in certain Annexes to this Regulation, i.e. for the dimensions and codes for the types of intervention, the templates for partnership agreements and programmes, the templates for the transmission of data, the use of the emblem of the Union, the elements for funding agreements and strategy documents, , the audit trail, electronic data exchange systems, the templates for the description of the management and control system, for the management declaration, for the audit opinion, for the annual control report, for the audit strategy, for the payment applications, for the accounts as well as for the determination of the level of financial corrections.	<i>[no change]</i>				106
(69) In addition the power to adopt acts in accordance with Article 290 of the TFEU should be delegated to the Commission in respect of the establishment of the criteria	(69) In addition the power to adopt acts in accordance with Article 290 of the TFEU should be delegated to the Commission in respect of <b>the amendment of the</b>		<i>Provisional common understanding</i>  (69) In addition the power to adopt acts in accordance with Article 290 of the	<i>Link to I-29 and VII-78</i>	107

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
for determining the cases of irregularities to be reported, the definition of unit costs, lump sums, flat rates and financing not linked to costs applicable to all Member States as well as the establishment of standardised off-the-shelf sampling methodologies.	<b>European code of conduct on partnership in order to adapt the code to this Regulation</b> , the establishment of the criteria for determining the cases of irregularities to be reported, the definition of unit costs, lump sums, flat rates and financing not linked to costs applicable to all Member States as well as the establishment of standardised off-the-shelf sampling methodologies.		TFEU should be delegated to the Commission in respect of <b>the amendment of the European code of conduct on partnership in order to adapt the code to this Regulation</b> , the establishment of the criteria for determining the cases of irregularities to be reported, the definition of unit costs, lump sums, flat rates and financing not linked to costs applicable to all Member States as well as the establishment of standardised off-the-shelf sampling methodologies.		
(70) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	(70) It is of particular importance that the Commission carry out appropriate, <b>transparent</b> consultations <b>with all interested parties</b> during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.		<i>Provisional common understanding</i>  (70) It is of particular importance that the Commission carry out appropriate, <b>transparent</b> consultations <b>with all interested parties</b> during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	<a href="#">Link to VII-83</a>	108
(71) In order to ensure uniform conditions for the adoption of Partnership	<i>[no change]</i>			<i>Former</i>	109

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
<p>Agreements, the adoption or amendment of programmes as well as the application of financial corrections, implementing powers should be conferred on the Commission. The implementing powers relating to the format to be used for reporting on irregularities, the electronic data to be recorded and stored and for the template for the final performance report should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>40</sup>. Although these acts are of a general nature, the advisory procedure should be used given that they only set out technical aspects, forms and templates. The implementing powers in relation to the establishment of the breakdown of financial allocations for the ERDF, ESF+ and the Cohesion Fund. should be adopted without comitology procedures given that they merely reflect the application of a pre-defined calculation methodology.</p>					
<p>(71) In order to ensure uniform conditions for the adoption of Partnership Agreements, the adoption or amendment of programmes as well as the application of financial corrections, implementing powers should be conferred on the Commission. The implementing powers</p>	<p><i>[no change]</i></p>			<p><i>New</i></p> <p><i>Link to IX-129</i></p>	<p>110</p>

<sup>40</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
<p>relating to the format to be used for reporting on irregularities, the electronic data to be recorded and stored and for the template for the final performance report should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council(*)<sup>41</sup>. Although these acts are of a general nature, the advisory procedure should be used given that they only set out technical aspects, forms and templates. The implementing powers in relation to the establishment of the breakdown of financial allocations for the ERDF, the ESF+ and the Cohesion Fund- should be adopted without <del>committee</del> <b>committee</b> procedures given that they merely reflect the application of a pre-defined calculation methodology. <b>Furthermore, the implementing powers in relation to the temporary measures for the use of the Funds in response to exceptional circumstances should be adopted without committee procedures given that the scope of application is determined by the Stability and Growth Pact and limited to the measures set out in this Regulation.</b></p>					
(72) Since Regulation (EU) No 1303/2013	<i>[no change]</i>	(72) Since Regulation (EU)	<i>Provisional common understanding</i>	<a href="#">Link to</a>	111

<sup>41</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
<p>of the European Parliament and of the Council<sup>42</sup> or any act applicable to the 2014–2020 programming period should continue to apply to programmes and operations supported by the Funds covered under the 2014–2020 programming period. Since the implementation period of Regulation (EU) No 1303/2013 is expected to extend over to the programming period covered by this Regulation and in order to ensure continuity of implementation of certain operations approved by that Regulation, phasing provisions should be established. Each individual phase of the phased operation, which serves the same overall objective, should be implemented in accordance with the rules of the programming period under which it receives funding.</p>		<p>No 1303/2013 of the European Parliament and of the Council or any act applicable to the 2014–2020 programming period should continue to apply to programmes and operations supported by the Funds covered under the 2014–2020 programming period. Since the implementation period of Regulation (EU) No 1303/2013 is expected to extend over to the programming period covered by this Regulation and in order to ensure continuity of implementation of certain operations approved by that Regulation, phasing provisions should be established. Each individual phase of the phased operation, which serves the same overall objective, should be implemented in accordance with the rules of the programming period under which it receives funding, <b>while the managing authority may proceed with selecting the second phase on the basis of the selection procedure carried out under 2014-2020 programming period for the relevant operation, provided that it satisfies itself that the conditions set out in this Regulation for phased implementation are complied with.</b></p>	<p>(72) Since Regulation (EU) No 1303/2013 of the European Parliament and of the Council or any act applicable to the 2014–2020 programming period should continue to apply to programmes and operations supported by the Funds covered under the 2014–2020 programming period. Since the implementation period of Regulation (EU) No 1303/2013 is expected to extend over to the programming period covered by this Regulation and in order to ensure continuity of implementation of certain operations approved by that Regulation, phasing provisions should be established. Each individual phase of the phased operation, which serves the same overall objective, should be implemented in accordance with the rules of the programming period under which it receives funding, <b>while the managing authority may proceed with selecting the second phase on the basis of the selection procedure carried out under 2014-2020 programming period for the relevant operation, provided that it satisfies itself that the conditions set out in this Regulation for phased implementation are complied with.</b></p>	VII-95	

<sup>42</sup> 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).

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
<p>(73) The objectives of this Regulation, namely to strengthen economic, social and territorial cohesion and to lay down common financial rules for part of the budget of the Union implemented under shared management, cannot be sufficiently achieved by the Member States by reason on the one hand due to the extent of the disparities between the levels of development of the various regions and the backwardness of the least favoured regions, as well as the limit on the financial resources of the Member States and regions and on the other hand due to the need for a coherent implementation framework covering several Union funds under shared management. Since those objectives can therefore rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.</p>	<p>(73) The objectives of this Regulation, namely to strengthen economic, social and territorial cohesion and to lay down common financial rules for part of the budget of the Union implemented under shared management, cannot be sufficiently achieved by the Member States by reason on the one hand due to the extent of the disparities between the levels of development of the various regions and the <del>backwardness of</del> <b>specific challenges faced by</b> the least favoured regions, as well as the limit on the financial resources of the Member States and regions and on the other hand due to the need for a coherent implementation framework covering several Union funds under shared management. Since those objectives can therefore rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.</p>		<p><i>Provisional common understanding</i></p> <p>(73) The objectives of this Regulation, namely to strengthen economic, social and territorial cohesion and to lay down common financial rules for part of the budget of the Union implemented under shared management, cannot be sufficiently achieved by the Member States by reason on the one hand due to the extent of the disparities between the levels of development of the various regions and the <del>backwardness of</del> <b>specific challenges faced by</b> the least favoured regions, as well as the limit on the financial resources of the Member States and regions and on the other hand due to the need for a coherent implementation framework covering several Union funds under shared management. Since those objectives can therefore rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.</p>	<p><i>Link to VII-4</i></p>	<p>112</p>
<p>(74) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union,</p>	<p><i>[no change]</i></p>				<p>113</p>

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
TITLE I OBJECTIVES AND GENERAL RULES ON SUPPORT	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-2	114
CHAPTER I Subject-matter and definitions	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  CHAPTER I Subject-matter, <del>and</del> definitions <b>and</b> <b>general rules</b>	VII-3	115
<i>Article 1</i> <i>Subject-matter and scope</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-4  <i>Link to Recital (1) and (73)</i>	116
1. This Regulation lays down:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-5	117
(a) financial rules for the European Regional Development Fund ('ERDF'), the European Social Fund Plus ('ESF+'), the Cohesion Fund, the European Maritime and Fisheries Fund ('EMFF'), the <b>Asylum</b>	<u>Amendment 50</u> <sup>43</sup>  (a) financial rules for the European Regional Development Fund ('ERDF'), the European Social Fund Plus ('ESF+'), the Cohesion Fund, <b>the European</b>	(a) financial rules for the European Regional Development Fund ('ERDF'), the European Social Fund Plus ('ESF+'), the Cohesion Fund, the European Maritime and Fisheries Fund ('EMFF') <sup>44</sup> , the	<i>Provisional common understanding</i>  <i>[no change]</i>  <i>Comment: Names of the Funds to be aligned with outcome of discussions on</i>	VII-6F  <i>Link to Recit</i>	118

<sup>43</sup> EP position: This amendment entails consequential adjustments throughout the text of the Regulation.

<sup>44</sup> Council position: Name to be aligned with Fund-specific Regulation.

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
<b>and Migration Fund ('AMIF'), the Internal Security Fund ('ISF') and the Border Management and Visa Instrument ('BMVI') ('the Funds');</b>	<b><i>Agricultural Fund for Rural Development ('EAFRD')</i></b> , the European Maritime and Fisheries Fund ('EMFF'), the Asylum and Migration Fund ('AMIF'), the Internal Security Fund ('ISF') and the Border Management and Visa Instrument ('BMVI') ('the Funds');	<b>Asylum and Migration Fund ('AMIF')<sup>45</sup>, the Internal Security Fund ('ISF') and the Border Management and Visa Instrument ('BMVI') ('the Funds');</b>	<i>the fund-specific regulations.</i>	<i>al (23a)</i>	
(a) financial rules for the European Regional Development Fund ('ERDF'), the European Social Fund Plus ('ESF+'), the Cohesion Fund, <b>the Just Transition Fund ('JTF')</b> , the European Maritime and Fisheries Fund ('EMFF'), <b>the Asylum and Migration Fund ('AMIF'), the Internal Security Fund ('ISF') and the Border Management and Visa Instrument ('BMVI') ('the Funds');</b>	(a) financial rules for the European Regional Development Fund ('ERDF'), the European Social Fund Plus ('ESF+'), the Cohesion Fund, <b><i>the European Agricultural Fund for Rural Development ('EAFRD')</i></b> , the Just Transition Fund ('JTF'), the European Maritime and Fisheries Fund ('EMFF'), the Asylum and Migration Fund ('AMIF'), the Internal Security Fund ('ISF') and the Border Management and Visa Instrument ('BMVI') ('the Funds');	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>  <i>Comment: Names of the Funds to be aligned with outcome of discussions on the fund-specific regulations.</i>	IX-18  <i>Link to Recital (23a)</i>	119
(b) common provisions applicable to the ERDF, the ESF+, the Cohesion Fund and the EMFF.	<u>Amendment 431</u>  (b) common provisions applicable to the ERDF, the ESF+, the Cohesion Fund and the EMFF, <b><i>and to the EAFRD as prescribed in paragraph 1a of this Article.</i></b>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-7F	120
(b) common provisions applicable to the ERDF, the ESF+, the Cohesion Fund, <b>the JTF</b> and the EMFF	(b) common provisions applicable to the ERDF, the ESF+, the Cohesion Fund, the JTF and the EMFF <b><i>and to the EAFRD as prescribed in paragraph 1a of this Article.</i></b>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IX-19	121

<sup>45</sup> Council position: Name to be aligned with Fund-specific Regulation.

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<u>Amendment 432</u>  <b><i>1a. Title I, Chapter I - Article 2-paragraph 4 a, Chapter II - Article 5, Title III, Chapter II - Articles 22 to 28 and Title IV - Chapter III - Section I- Articles 41 to 43 shall apply to aid measures financed by the EAFRD and Title I- Chapter 1 - Article 2- paragraphs 15 to 25 , as well as Title V- Chapter II - Section II - Articles 52 to 56 shall apply to financial instruments provided for in Article 74 of Regulation (EU) .../... [CAP Strategic Plans Regulation] and supported under the EAFRD.</i></b>		<i>Provisional common understanding</i>  <i>[EP amendment withdrawn]</i>	VII-8  <i>Link to Recital (2)</i>	122
2.This Regulation shall not apply to the Employment and Social Innovation and the Health strands of the ESF+ and to the direct or indirect management components of the EMFF, the AMIF, the ISF and the BMVI, except for technical assistance at the initiative of the Commission.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-9F	123
2. This Regulation shall not apply to the Employment and Social Innovation <del>and the Health</del> strands of the ESF+ <del>and nor</del> to the direct or indirect management components of the EMFF, the AMIF, the ISF and the BMVI, except for technical assistance at the initiative of the Commission.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IX-131	124
3. Articles 4 and 10, Chapter III of Title II, Chapter II of Title III, and Title VIII shall not apply to the AMIF, the ISF and the	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  3. Articles 4 and 10, <b>Art. 15</b> of Chapter	VII-10	125

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
BMVI.			III of Title II, Chapter II of Title III, and Title VIII shall not apply to the AMIF, the ISF and the BMVI.		
4.Title VIII shall not apply to the EMFF.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-11	126
5.Article 11 of Chapter II and Article 15 of Chapter III of Title II, Chapter I of Title III, Articles 33 to 36 and Article 38(1) to (4) of Chapter I, Article 39 of Chapter II, Article 45 of Chapter III of Title IV, Articles 67, 71, 73 and 74 of Chapter II and Chapter III of Title VI shall not apply to Interreg programmes.	<i>[no change]</i>	5. Article 11 of Chapter II and Article 15 of Chapter III of Title II, Chapter I of Title III, <b>Article 32 of Chapter III of Title III</b> , Articles 33 to <del>36</del> <b>37</b> and Article 38(1) to (4) of Chapter I, Article 39 of Chapter II, Article 45 of Chapter III of Title IV, <b>Article 50(1) of Chapter II of Title V</b> , Articles 67, 71, 73 and 74 of Chapter II and Chapter III of Title VI shall not apply to Interreg programmes.	<i>Provisional common understanding - still subject to legal verification</i>  5. Article 11 of Chapter II and Article 15 of Chapter III of Title II, Chapter I of Title III, <b>Article 32 of Chapter III of Title III</b> , Articles 33 to <del>36</del> <b>37</b> and Article 38(1) to (4) of Chapter I, Article 39 of Chapter II, Article 45 of Chapter III of Title IV, <b>Article 50(1) of Chapter II of Title V</b> , Articles 67, 71, 73 and 74 of Chapter II and Chapter III of Title VI shall not apply to Interreg programmes.	VII-12	127
6.The Fund-specific Regulations listed below may establish complementary rules to this Regulation which shall not be in contradiction with this Regulation. In case of doubt about the application between this Regulation and Fund-specific Regulations, this Regulation shall prevail:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-13	128
(a) Regulation (EU) [...] (the 'ERDF and CF Regulation') <sup>46</sup> ;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-14	129

<sup>46</sup> OJ L , , p . .

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
(b) Regulation (EU) [...] (the 'ESF+ Regulation') <sup>47</sup> ;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-15	130
(c) Regulation (EU) [...] (the 'ETC Regulation') <sup>48</sup> ;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-16	131
(d) Regulation (EU) [...] (the 'EMFF Regulation') <sup>49</sup> ;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-17	132
(e) Regulation (EU) [...] (the 'AMIF Regulation') <sup>50</sup> ;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-18	133
(f) Regulation (EU) [...] (the 'ISF Regulation') <sup>51</sup> ;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-19	134
(g) Regulation (EU) [...] (the 'BMVI Regulation') <sup>52</sup> .	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-20	135
<b>(h) Regulation (EU) [JTF Regulation] (the 'JTF Regulation')(*)<sup>53</sup>.</b>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>    <i>[no change]</i>	IX-21	136

<sup>47</sup> OJ L , , p. .

<sup>48</sup> OJ L , , p. .

<sup>49</sup> OJ L , , p. .

<sup>50</sup> OJ L , , p. .

<sup>51</sup> OJ L , , p. .

<sup>52</sup> OJ L , , p. .

<sup>53</sup> (\*) OJ L , , p. .



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
<i>Article 2 Definitions</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding  [no change]</i>	VII-21	137
For the purpose of this Regulation, the following definitions apply:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding  [no change]</i>	VII-22	138
(1) 'relevant country specific recommendations' mean Council recommendations adopted in accordance with Article 121(2) and Article 148(4) of the TFEU relating to structural challenges which it is appropriate to address through multiannual investments that fall within the scope of the Funds as set out in Fund-specific Regulations, and relevant recommendations adopted in accordance with Article [XX] of Regulation (EU) [number of the new Energy Union Governance Regulation] of the European Parliament and of the Council;	<u>Amendment 54</u>  (1) 'relevant country specific recommendations' mean Council recommendations adopted in accordance with Articles 121(2) <b>and (4)</b> and Article 148(4) of the TFEU relating to structural challenges which it is appropriate to address through multiannual investments that fall within the scope of the Funds as set out in Fund-specific Regulations, and relevant recommendations adopted in accordance with Article [XX] of Regulation (EU) [number of the new Energy Union Governance Regulation] of the European Parliament and of the Council;	(1) 'relevant country specific recommendations' mean  <b>(a)</b> Council recommendations adopted in accordance with Article 121(2) and Article 148(4) of the TFEU relating to structural challenges, <b>and</b> ,  <b>(b) complementary Commission recommendations issued in accordance with Article 34 of Regulation (EU) 2018/1999<sup>54</sup>,</b>  which <del>it is</del> <b>are</b> appropriate to <b>be</b> addressed through multiannual investments that fall <b>directly</b> within the scope of the Funds as set out in Fund-specific Regulations, <del>and relevant recommendations adopted in accordance with Article [XX] of Regulation (EU) [number of the new Energy Union Governance Regulation] of the European Parliament and of the Council;</del>	<i>Provisional common understanding  (1) 'relevant country specific recommendations' mean  <b>(a)</b> Council recommendations adopted in accordance with Article 121(2) and Article 148(4) of the TFEU relating to structural challenges, <b>and</b>,  <b>(b) complementary Commission recommendations issued in accordance with Article 34 of Regulation (EU) 2018/1999,</b>  which <del>it is</del> <b>are</b> appropriate to <b>be</b> addressed through multiannual investments that fall within the scope of the Funds as set out in Fund-specific Regulations, <del>and relevant recommendations adopted in accordance with Article [XX] of Regulation (EU) [number of the new Energy Union Governance Regulation] of the European</del></i>	VII-23	139

<sup>54</sup> Council position: **In line with Article 34(2)(b) of Regulation (EU) 2018/1999, if the Member State concerned decides not to address a recommendation or a substantial part thereof, that Member State shall provide its reasoning.**

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			Parliament and of the Council;		
	<u>Amendment 55</u>  <i>(1 a) 'enabling condition' means a concrete and precisely defined condition which has a genuine link to a direct impact on the effective and efficient achievement of a specific objective of the programme;</i>		Provisional common understanding  [Definition from agreement on CPR Block 2, row II-5]  <b>(1a) 'enabling condition' means a prerequisite condition for the effective and efficient implementation of the specific objectives.</b>	VII-24	140
(2) 'applicable law' means Union law and the national law relating to its application;	[no change]	[no change]	Provisional common understanding  [no change]	VII-25	141
(3) 'operation' means:	[no change]	[no change]	Provisional common understanding  [no change]	VII-26	142
(a) a project, contract, action or group of projects selected under the programmes concerned;	[no change]	[no change]	Provisional common understanding  [no change]	VII-27	143
(b) in the context of financial instruments, a programme contribution to a financial instrument and the subsequent financial support provided to final recipients by that financial instrument;	[no change]	[no change]	Provisional common understanding  [no change]	VII-28	144
(4) 'operation of strategic importance' means an operation which provides a key contribution to the achievement of the objectives of a programme and which are subject to particular monitoring and communication measures;	[no change]	(4)'operation of strategic importance' means an operation which provides a <b>key significant</b> contribution to the achievement of the objectives of a programme and which <del>are</del> <b>is</b> subject to particular monitoring and communication measures;	Provisional common understanding  (4) 'operation of strategic importance' means an operation which provides a <b>key significant</b> contribution to the achievement of the objectives of a programme and which <del>are</del> <b>is</b> subject to	VII-29	145

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			particular monitoring and communication measures;		
	<u>Amendment 56</u>  (4 a) 'programme' in the context of the EAFRD means the CAP Strategic Plans as referred to in Regulation (EU) [...] (the 'CAP Strategic Plans Regulation');		Provisional common understanding  [EP amendment withdrawn]	VII-30	146
(5) 'priority' in the context of the AMIF, the ISF and the BMVI, means a specific objective; in the context of the EMFF it means a 'type of areas of support' as referred to in the nomenclature laid down in Annex III of the EMFF Regulation;	[no change]	(5) 'priority' in the context of the AMIF, the ISF and the BMVI, means a specific objective <sup>55</sup> ; <del>in the context of the EMFF it means a 'type of areas of support' as referred to in the nomenclature laid down in Annex III of the EMFF Regulation;</del>	Provisional common understanding  (5) 'priority' in the context of the AMIF, the ISF and the BMVI, means a specific objective; <del>in the context of the EMFF it means a 'type of areas of support' as referred to in the nomenclature laid down in Annex III of the EMFF Regulation;</del>	VII-31	147
(6) 'specific objective' in the context of the EMFF, shall be understood as 'areas of support' as referred to in Annex III of the EMFF Regulation;	[no change]	<del>(6) 'specific objective' in the context of the EMFF, shall be understood as 'areas of support' as referred to in Annex III of the EMFF Regulation;</del>	Provisional common understanding  <b>(6) 'priority' in the context of the EMFF, for the purpose of Title VII only, means a 'specific objective'.</b>	VII-32	148
(7) 'intermediate body' means any public or private law body which acts under the responsibility of a managing authority, or which carries out functions or tasks on behalf of such an authority;	[no change]	(7) 'intermediate body' means any public or private law body which acts under the responsibility of a managing authority, or which carries out functions or tasks on behalf of such an authority;	Provisional common understanding  (7) 'intermediate body' means any public or private law body which acts under the responsibility of a managing authority, or which carries out functions or tasks on behalf of such an authority;	VII-33	149
(8) 'beneficiary' means:	[no change]	[no change]	Provisional common understanding	VII-34	150

<sup>55</sup> Council position: The use of terms "specific objective and "areas of support" are to be aligned throughout the text with the finally agreed nomenclature for EMFF.

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			[no change]		
(a) a public or private law body, an entity with or without legal personality or a natural person, responsible for initiating or both initiating and implementing operations;	[no change]	(a) a public or private law body, an entity with or without legal personality or a natural person, responsible for initiating or both initiating and implementing operations; <b>in the context of de minimis aid provided in accordance with Commission Regulations (EU) No 1407/2013 or (EU) No 717/2014, the body granting the aid, where it is responsible for initiating or for initiating and implementing the operation;</b>	Provisional common understanding  (a) a public or private law body, an entity with or without legal personality or a natural person, responsible for initiating or both initiating and implementing operations;	VII-35	151
(b) in the context of public-private partnerships ('PPP'), the public law body initiating a PPP operation or the private partner selected for its implementation;	[no change]	(b) in the context of public-private partnerships ('PPP'), the public law body initiating a PPP operation or the private partner selected for its implementation;	Provisional common understanding  (b) in the context of public-private partnerships ('PPP'), the public law body initiating a PPP operation or the private partner selected for its implementation;	VII-36	152
(c) in the context of State aid schemes, the undertaking which receives the aid;	<u>Amendment 57</u>  (c) in the context of State aid schemes, the <b>body or the</b> undertaking, <b>as appropriate</b> , which receives the aid, <b>except where the aid per undertaking is less than EUR 200 000 , in which case the Member State concerned may decide that the beneficiary is the body granting the aid, without prejudice to Commission Regulations (EU) No 1407/2013<sup>1a</sup>, (EU) No 1408/2013<sup>1b</sup> and (EU) No 717/2014<sup>1c</sup>;</b>	(c) in the context of State aid schemes, the undertaking which receives the aid; <b>except where State aid per undertaking is less than EUR 200 000, the Member State may decide that the beneficiary for the purposes of this Regulation is the body granting the aid;</b>	Provisional common understanding  [no change]	VII-37	153

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<sup>1a</sup> OJ L 352, 24.12.2013, p. 1. <sup>1b</sup> OJ L 352, 24.12.2013, p. 9. <sup>1c</sup> OJ L 190, 28.6.2014, p. 45.				
			Provisional common understanding  <b>(ca) in the context of de minimis aid provided in accordance with Commission Regulations (EU) No 1407/2013 or (EU) No 717/2014, the Member State may decide that the beneficiary for the purposes of this Regulation is the body granting the aid, where it is responsible for initiating or for initiating and implementing the operation;</b>	VII-37A	154
(d) in the context of financial instruments, the body that implements the holding fund or, where there is no holding fund structure, the body that implements the specific fund or, where the managing authority manages the financial instrument, the managing authority;	[no change]	[no change]	Provisional common understanding  [no change]	VII-38	155
(9) 'small project fund' means an operation in an Interreg programme aimed at the selection and implementation of projects of limited financial volume;	<u>Amendment 58</u>  (9) 'small project fund' means an operation in an Interreg programme aimed at the selection and implementation of <b>projects, including people-to-people</b> projects of limited financial volume;	[no change]	Provisional common understanding  (9) 'small project fund' means an operation in an Interreg programme aimed at the selection and implementation of projects, <b>including people-to-people actions</b> , of limited financial volume;	VII-39	156
(10) 'target' means a pre-agreed value to be achieved at the end of the programming period in relation to an indicator included	[no change]	(10) 'target' means a pre-agreed value to be achieved at the end of the programming <b>eligibility</b> period in relation	Provisional common understanding  (10) 'target' means a pre-agreed value to	VII-40	157

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
under a specific objective;		to an indicator included under a specific objective;	be achieved at the end of the <del>programming</del> <b>eligibility</b> period in relation to an indicator included under a specific objective;		
(11) 'milestone' means an intermediate value to be achieved at a given point in time during the programming period in relation to an indicator included under a specific objective;	<i>[no change]</i>	(11) 'milestone' means an intermediate value to be achieved at a given point in time during the <del>programming</del> <b>eligibility</b> period in relation to an <b>output</b> indicator included under a specific objective;	<i>Provisional common understanding</i>  (11) 'milestone' means an intermediate value to be achieved at a given point in time during the <del>programming</del> <b>eligibility</b> period in relation to an <b>output</b> indicator included under a specific objective;	VII-41	158
(12) 'output indicator' means an indicator to measure the specific deliverables of the intervention;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-42	159
(13) 'result indicator' means an indicator to measure the short term effects of the interventions supported, with particular reference to the direct addressees, population targeted or users of infrastructure;	<i>[no change]</i>	(13) 'result indicator' means an indicator to measure the <del>short term</del> effects of the interventions supported, with particular reference to the direct addressees, population targeted or users of infrastructure;	<i>Provisional common understanding</i>  (13) 'result indicator' means an indicator to measure the <del>short term</del> effects of the interventions supported, with particular reference to the direct addressees, population targeted or users of infrastructure;	VII-43	160
(14) 'PPP operation' means an operation which is implemented under a partnership between public bodies and the private sector in line with a PPP agreement, and which aims to provide public services through risk sharing, pooling of private sector expertise or additional sources of capital;	<i>[no change]</i>	(14) 'PPP operation' means an operation which is implemented under a partnership between public bodies and the private sector in line with a PPP agreement, and which aims to provide public services through risk sharing; <b>by the</b> pooling of <b>either</b> private sector expertise or additional sources of capital <b>or both</b> ;	<i>Provisional common understanding</i>  (14) 'PPP operation' means an operation which is implemented under a partnership between public bodies and the private sector in line with a PPP agreement, and which aims to provide public services through risk sharing; <b>by the</b> pooling of <b>either</b> private sector expertise or additional sources of capital	VII-44	161

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<b>or both;</b>		
(15) 'financial instrument' means a structure through which financial products are provided;	<i>[no change]</i>	(15) 'financial instrument' means a <b>form of support delivered via a</b> structure through which financial products are provided <b>to final recipients;</b>	<i>Provisional common understanding</i>  (15) 'financial instrument' means a <b>form of support delivered via a</b> structure through which financial products are provided <b>to final recipients;</b>	VII-45	162
(16) 'financial product' means equity or quasi equity investments, loans and guarantees as defined in Article 2 of Regulation (EU, Euratom) [...] ('the Financial Regulation');	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-46	163
(17) 'final recipient' means a legal or natural person receiving support from the Funds through a beneficiary of a small project fund or from a financial instrument;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-47	164
(18) 'programme contribution' means the support from the Funds and the national public and private, if any, co-financing, to a financial instrument;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-48	165
(19) 'body implementing a financial instrument' means a body, governed by public or private law, carrying out tasks of a holding fund or of a specific fund;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-49	166
(20) 'holding fund' means a fund set up by a managing authority under one or more programmes, to implement financial instruments through one or more specific funds;	<i>[no change]</i>	(20) 'holding fund' means a fund set up <b>by under the responsibility of</b> a managing authority under one or more programmes, to implement <del>financial instruments</del> <b>through</b> one or more specific funds;	<i>Provisional common understanding</i>  (20) 'holding fund' means a fund set up <b>by under the responsibility of</b> a managing authority under one or more programmes, to implement <del>financial</del>	VII-50	167

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			<del>instruments through</del> one or more specific funds;		
(21) 'specific fund' means a fund, set-up by a managing authority or a holding fund, to provide financial products to final recipients;	<u>Amendment 59</u>  (21) 'specific fund' means a fund <del>set up</del> <b>set up</b> by a managing authority or a holding fund <del>through which they to</del> provide financial products to final recipients;	(21) 'specific fund' means a fund, <del>set up</del> <b>by through which</b> a managing authority or a holding fund, <del>to provide</del> <b>provides</b> financial products to final recipients;	<i>Provisional common understanding</i>  (21) 'specific fund' means a fund, <del>set up</del> <b>by through which</b> a managing authority or a holding fund, <del>to provide</del> <b>provides</b> financial products to final recipients;	VII-51	168
(22) 'leverage effect' means the amount of reimbursable financing provided to final recipients divided by the amount of the contribution from the Funds;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-52	169
(23) 'multiplier ratio' in the context of guarantee instruments, means a ratio between the value of the underlying disbursed new loans, equity or quasi-equity investments, and the amount of the programme contribution set aside as agreed in guarantee contracts to cover expected and unexpected losses from those new loans, equity or quasi-equity investments;	<i>[no change]</i>	(23) 'multiplier ratio' in the context of guarantee instruments, means a ratio <b>established on the basis of a prudent ex ante risk assessment for the respective guarantee product to be offered</b> , between the value of the underlying disbursed new loans, equity or quasi-equity investments, and the amount of the programme contribution set aside <del>as agreed in for</del> guarantee contracts to cover expected and unexpected losses from those new loans, equity or quasi-equity investments;	<i>Provisional common understanding</i>  (23) 'multiplier ratio' in the context of guarantee instruments, means a ratio <b>established on the basis of a prudent ex ante risk assessment for the respective guarantee product to be offered</b> , between the value of the underlying disbursed new loans, equity or quasi-equity investments, and the amount of the programme contribution set aside <del>as agreed in for</del> guarantee contracts to cover expected and unexpected losses from those new loans, equity or quasi-equity investments;	VII-53	170
(24) 'management costs' means direct or indirect costs reimbursed against evidence of expenditure incurred in the implementation of financial instruments;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-54	171



<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
(25) 'management fees' means a price for services rendered, as determined in the funding agreement between the managing authority and the body implementing a holding fund or a specific fund; and, where applicable, between the body implementing a holding fund and the body implementing a specific fund;	<i>[no change]</i>	(25) 'management fees' means a price for services rendered, <del>as determined in the funding agreement between the managing authority and the body implementing a holding fund or a specific fund; and, where applicable, between the body implementing a holding fund and the body implementing a specific fund in the</del> <b>context of the implementation of financial instruments;</b>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-55	172
(26) 'relocation' means a transfer of the same or similar activity or part thereof within the meaning of Article 2(61a) of Commission Regulation (EU) No 651/2014 <sup>56</sup> declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the TFEU;	<i>[no change]</i>	(26) 'relocation' means a transfer of the same or similar activity or part thereof within the meaning of Article 2(61a) <sup>57</sup> of Commission Regulation (EU) No 651/2014 <sup>58</sup> ; <del>declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the</del> TFEU;	<i>Provisional common understanding</i>  (26) 'relocation' means a transfer of the same or similar activity or part thereof within the meaning of Article 2(61a) of Commission Regulation (EU) No 651/2014 <sup>59</sup> ; <del>declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the</del> TFEU;	VII-56	173
(27) 'public contribution' means any contribution to the financing of operations the source of which is the budget of national, regional or local public authorities or of any European grouping of territorial cooperation (EGTC) established	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-57	174

<sup>56</sup> Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1).

<sup>57</sup> Council position: Note for the translators: Article 2(61a) is referred as Article 2(61bis) in the ES version.

<sup>58</sup> Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1).

<sup>59</sup> Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1).

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
in accordance with Regulation (EC) No 1082/2006 of the European Parliament and of the Council <sup>60</sup> , the budget of the Union made available to the Funds, the budget of public law bodies or the budget of associations of public authorities or of public law bodies and, for the purpose of determining the co-financing rate for ESF+ programmes or priorities, may include any financial resources collectively contributed by employers and workers;					
(28) 'accounting year' means the period from 1 July to 30 June of the following year, except for the first accounting year of the programming period, in respect of which it means the period from the start date for eligibility of expenditure until 30 June 2022; for the final accounting year, it means the period from 1 July 2029 to 30 June 2030;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding:</i>  <i>[no change]</i>	VII-58	175
(29) 'irregularity' means any breach of applicable law, resulting from an act or omission by an economic operator involved in the implementation of the Funds, which has, or would have, the effect of prejudicing the budget of the Union by charging unjustified expenditure to that budget;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-59	176
			<i>Provisional common understanding</i>	VII-59A	177

<sup>60</sup> Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC) (OJ L 210, 31.7.2006, p. 19).

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<b>(29a) ‘economic operator’ means any natural or legal person, or other entity taking part in the implementation of assistance from the Funds, with the exception of a Member State exercising its prerogatives as a public authority;</b>		
(30) 'serious deficiency' means a deficiency in the effective functioning of the management and control system of a programme for which significant improvements in the management and control systems are required and where any of the key requirements 2, 4, 5, 9, 12, 13 and 15 referred to in Annex X, or two or more of the other key requirements are assessed into categories 3 and 4 of that Annex;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VII-60	178
(31) 'total error rate' means the sum of the projected random errors and, if applicable, systemic errors and uncorrected anomalous errors, divided by the population;	<i>[no change]</i>	(31) 'total error rate' means the sum of the projected random errors and, if applicable, systemic errors and uncorrected anomalous errors, divided by the <b>audit</b> population;	Provisional common understanding  (31) 'total error rate' means <b>total errors (being</b> the sum of the projected random errors and, if applicable, <b>delimited</b> systemic errors and uncorrected anomalous errors); divided by the <b>audit</b> population;	VII-61	179
(32) 'residual error rate' means the total error rate less the financial corrections applied by the Member State which intend to reduce the risks identified by the audit authority in its audits of operations;	<i>[no change]</i>	(32) 'residual error rate' means <del>the total error rate</del> <b>sum of the projected random errors and, if applicable, delimited systemic errors and uncorrected anomalous errors identified by the audit authority,</b> less the financial corrections applied by the Member State	Provisional common understanding  (32) 'residual error rate' means the total errors <del>rate</del> less the financial corrections applied by the Member State <del>which intend</del> to reduce the risks identified by the audit authority <del>in its audits of</del>	VII-62	180

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		which intend to reduce the risks identified by the audit authority in its audits of operations, <b>divided by the audit population;</b>	operations, <b>divided by the expenditure to be declared in the accounts;</b>		
(33) 'completed operation' means an operation that has been physically completed or fully implemented and in respect of which all related payments have been made by beneficiaries and the corresponding public contribution has been paid to the beneficiaries;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VII-63	181
(34) 'sampling unit' means one of the units, which may be an operation, a project within an operation or a payment claim by a beneficiary, into which a population is divided for the purpose of sampling;	<i>[no change]</i>	(34) 'sampling unit' means one of the units, which may be an operation, a project within an operation or a payment claim by a beneficiary, into which an <b>audit</b> population is divided for the purpose of sampling;	Provisional common understanding  (34) 'sampling unit' means one of the units, which may be an operation, a project within an operation or a payment claim by a beneficiary, into which an <b>audit</b> population is divided for the purpose of sampling;	VII-64  <i>Link to Recital (53a)</i>	182
(35) 'escrow account' means, in the case of a PPP operation a bank account covered by a written agreement between a public body beneficiary and the private partner approved by the managing authority or an intermediate body used for payments during and/or after the eligibility period;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VII-65	183
(36) 'participant' means a natural person benefiting from an operation but not receiving financial support from the Funds;	<i>[no change]</i>	(36) 'participant' means a natural person benefiting <b>directly</b> from an operation <del>but</del> <b>without being responsible for initiating or both initiating and implementing the operation. In the context of the EMFF,</b>	Provisional common understanding  (36) 'participant' means a natural person benefiting <b>directly</b> from an operation <del>but</del> <b>without being responsible for initiating</b>	VII-66	184

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		<del>a participant shall not receiving receive</del> financial support from the Funds;	<del>or both initiating and implementing the operation. In the context of the EMFF, a participant shall not receiving receive</del> financial support from the Funds;		
	<p><u>Amendment 60</u></p> <p><i>(36a) 'energy efficiency first principle' means the prioritisation, in energy planning, policy and investment decisions, of measures that make the demand and supply of energy more efficient;</i></p>		<p><i>Provisional common understanding</i></p> <p><b>(36a) 'energy efficiency first' means taking utmost account in energy planning, and in policy and investment decisions, of alternative cost-efficient energy efficiency measures to make energy demand and energy supply more efficient, in particular by means of cost-effective end-use energy savings, demand response initiatives and more efficient conversion, transmission and distribution of energy, whilst still achieving the objectives of those decisions.</b></p> <p><i>Comments: Definition used in EU regulation 2018/1999 on the Governance of the Energy Union and Climate Action.</i></p>	VII-67  <i>Link to Recital (48)</i>	185
<p>(37) 'climate proofing' means a process to ensure that infrastructure is resilient to the adverse impacts of the climate in accordance with national rules and guidance, where available, or internationally recognised standards.</p>	<p><u>Amendment 61</u></p> <p>(37) 'climate proofing' means a process to ensure that infrastructure is resilient to the adverse impacts of the climate in accordance with <b>internationally recognised standards</b> or national rules and guidance, where available, <b>that the energy efficiency first principle is respected and that specific emission reduction and decarbonisation pathways are chosen</b> or internationally recognised</p>	<p><del>(37) 'climate proofing' means a process to ensure that infrastructure is resilient to the adverse impacts of the climate in accordance with national rules and guidance, where available, or internationally recognised standards.</del></p>	<p><i>Provisional common understanding (fine-tuned at technical level)</i></p> <p>(37) 'climate proofing' means a process to <b>prevent ensure</b> that infrastructure <b>from being vulnerable</b> is resilient to the adverse to potential long-term climate impacts of the climate in accordance with national rules and guidance, where available, or internationally recognised standards, <b>whilst ensuring that the 'energy efficiency first' principle is</b></p>	VII-68	186

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	standards;		respected and that the level of greenhouse gas emissions arising from the project is consistent with the climate neutrality objective in 2050.		
		(38) 'grants under conditions' means a type of grant subject to conditions linked to the repayment of support;	<i>Provisional common understanding</i>  (38) 'grants under conditions' means a type of grant subject to conditions linked to the repayment of support;	VII-69	187
	<u>Amendment 62</u>  (37a) 'EIB' means the European Investment Bank, the European Investment Fund or any subsidiary of the European Investment Bank.	(39) 'EIB' means the European Investment Bank, the European Investment Fund or any subsidiary of the European Investment Bank;	<i>Provisional common understanding</i>  (39) 'EIB' means the European Investment Bank, the European Investment Fund or any subsidiary of the European Investment Bank;	VII-70	188
		(40) "systemic irregularity' means any irregularity, which may be of a recurring nature, with a high probability of occurrence in similar types of operations, which results from a serious deficiency in the effective functioning of a management and control system, including a failure to establish appropriate procedures in accordance with this Regulation and the Fund-specific rules.	<i>Provisional common understanding</i>  (40) "systemic irregularity' means any irregularity, which may be of a recurring nature, with a high probability of occurrence in similar types of operations, which results from a serious deficiency, including a failure to establish appropriate procedures in accordance with this Regulation and the Fund-specific rules.	VII-71	189
			<i>Provisional common understanding</i>  (41) 'Seal of Excellence' means for the purposes of this regulation the quality label by the Commission, which shows that proposals which have been assessed in a call for proposals under a		189 A

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<b>Union instrument and are deemed to comply with the minimum quality requirements of that Union instrument but could not be funded due to lack of budget available might receive support from other Union or national sources of funding.</b>		
<i>Article 3 Calculation of time limits for Commission actions</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding [no change]</i>	VII-72	190
Where a time limit is set for an action by the Commission, that time limit shall start when all information in accordance with the requirements laid down in this Regulation or in Fund-specific Regulations have been submitted by the Member State.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding [no change]</i>	VII-73	191
That time limit shall be suspended from the day following the date on which the Commission sends its observations or a request for revised documents to the Member State and until the Member State responds to the Commission.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding [no change]</i>	VII-74	192
			<i>Provisional common understanding</i> <b>Article 3a (new)</b> <b>Processing and protection of personal data</b> <b>The Member States and the Commission shall be allowed to process personal data only where necessary for the purpose of carrying</b>	VII-74A	193

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			<b>out their respective obligations under this Regulation, in particular for monitoring, reporting, communication, publication, evaluation, financial management, verifications and audits and, where applicable, for determining the eligibility of participants. The personal data shall be processed in accordance with Regulation (EU) 2016/679 or Regulation (EU) 2018/1725, whichever is applicable.</b>		
CHAPTER II Policy objectives and principles for the support of the Funds	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  [no change]	I-3	194
<i>Article 4</i> <i>Policy objectives</i>	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  [no change]	I-4	195
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>	Provisional common understanding  [no change]  <i>Comment: the wording on the policy objectives to be aligned throughout the text of the Regulation</i>	I-5	196
(a) a smarter Europe by promoting innovative and smart economic transformation;	<u>Amendment 63</u>  (a) a <b>more competitive and</b> smarter Europe by promoting innovative and smart economic transformation <b>and strengthening small and medium-sized enterprises</b> ;	<i>[no change]</i>	Provisional common understanding  (a) a <b>more competitive and</b> smarter Europe by promoting innovative and smart economic transformation <b>and regional ICT connectivity</b> ;	I-6	197



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(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 <b>transitioning towards a net zero carbon economy and resilient</b> Europe by promoting clean and fair energy transition, green and blue investment, the circular economy, climate <b>change mitigation and</b> adaptation and risk prevention and management;	(b) a greener, low-carbon <b>and resilient</b> 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 <b>transitioning towards a net zero carbon economy and resilient</b> Europe by promoting clean and fair energy transition, green and blue investment, the circular economy, climate <b>change mitigation and</b> adaptation, <del>and</del> risk prevention and management, <b>and sustainable urban mobility</b> ;	I-7	198
(c) a more connected Europe by enhancing mobility and regional ICT connectivity;	<u>Amendment 65</u>  (c) a more connected Europe by enhancing mobility, <b>including smart and sustainable mobility</b> , and regional ICT connectivity;	[no change]	<i>Provisional common understanding</i>  (c) a more connected Europe by enhancing mobility <del>and regional ICT connectivity</del> ;	I-8	199
(d) a more social Europe implementing the European Pillar of Social Rights;	<u>Amendment 66</u>  (d) a more social <b>and inclusive</b> Europe implementing the European Pillar of Social Rights;	[no change]	<i>Provisional common understanding</i>  (d) a more social <b>and inclusive</b> Europe implementing the European Pillar of Social Rights;	I-9  <i>Link to recital (9a)</i>	200
(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 <b>all regions</b> , <del>urban, rural and coastal</del> areas and local initiatives.	(e) a Europe closer to citizens by fostering the sustainable and integrated development of <del>urban, rural and coastal areas and local initiatives</del> <b>all types of territories</b> .	<i>Provisional common understanding</i>  (e) a Europe closer to citizens by fostering the sustainable and integrated development of <b>all types of territories</b> <del>urban, rural and coastal areas</del> and local initiatives.	I-10	201

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
<b>The JTF shall support the specific objective of enabling regions and people to address the social, economic and environmental impacts of the transition towards a climate-neutral economy.</b>	The JTF shall support the specific objective of enabling regions, <del>and</del> people, <b>enterprises and other stakeholders</b> to address the social, <b>employment</b> , economic and environmental impacts of the transition towards a climate-neutral economy <b>by 2050 and the intermediate goals for 2030, in line with the goals of the Paris Agreement.</b>	The JTF shall support the specific objective of enabling regions and people to address the social, economic and environmental impacts of the transition towards <b>the Union's 2030 target for climate and</b> a climate-neutral economy <b>by 2050.</b>	<i>Provisional common understanding</i>  The JTF shall support the specific objective of enabling regions and people to address the social, <b>employment</b> , economic and environmental impacts of the transition towards <b>the Union's 2030 target for climate and</b> a climate-neutral economy <b>by 2050, based on the Paris Agreement.</b>	IX-24	202
<b>The first subparagraph of paragraph 1 shall not apply to the resources of the ERDF and the ESF+ that are transferred to the JTF in accordance with Article 21a.</b>	The first subparagraph of paragraph 1 shall not apply to the resources of the ERDF and the ESF+ that are transferred <b>on a voluntary basis</b> to the JTF in accordance with Article 21a.	The first subparagraph of paragraph 1 shall not apply to the resources of the ERDF and the ESF+ that are transferred to the JTF in accordance with Article 21a.	<i>Provisional common understanding</i>  The first subparagraph of paragraph 1 shall not apply to the resources of the ERDF and the ESF+ that are transferred <b>on a voluntary basis</b> to the JTF in accordance with Article 21a.	IX-25	203
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>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-11F	204
2. The ERDF, the ESF+, the Cohesion Fund and <b>the JTF shall</b> contribute to the actions of the Union leading to the strengthening of its economic, social and territorial cohesion in accordance with Article 174 TFEU by pursuing the following goals:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IX-27	205
(a) Investment for jobs and growth in Member States and regions, to be	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>	I-12F	206

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
supported by the ERDF, the ESF+ and the Cohesion Fund; and			[no change]		
(a) Investment for jobs and growth in Member States and regions, to be supported by the ERDF, the ESF+, the Cohesion Fund and <b>the JTF</b> ; and	[no change]	[no change]	Provisional common understanding  [no change]	IX-28	207
(b) European territorial cooperation (Interreg), to be supported by the ERDF.	[no change]	[no change]	Provisional common understanding  [no change]	I-13	208
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. 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.	<u>Amendment 68</u>  3. Member States <b>shall ensure climate proofing for relevant operations through the entire planning and implementation process and</b> 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.	[no change]	Provisional common understanding  [no change]	I-14F  Link to recital (9)	209
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. That	[no change]	[no change]	Provisional common understanding  <del>3. Member States shall provide information on the support for environment and climate objectives</del>	IX-31	210

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
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. In the case of the ERDF, the ESF+, and the Cohesion Fund <b>and the JTF</b> weightings shall be attached to dimensions and codes for the types of intervention established in Annex I.			<del>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. In the case of the ERDF, the ESF+, and the Cohesion Fund <b>and the JTF</b> weightings shall be attached to dimensions and codes for the types of intervention established in Annex I.</del>		
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. <b><i>In accordance with their respective responsibilities and in line with the principles of subsidiarity and multilevel governance,</i></b> 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 <b><i>in order</i></b> to avoid duplication during planning and implementation.	4. Member States and the Commission shall <del>ensure</del> <b>promote</b> 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 <b>and funds</b> . They shall optimise mechanisms for coordination between those responsible to avoid duplication during planning and implementation. <b>Accordingly, Member States and the Commission shall also take into account the relevant country-specific recommendations in the programming and implementation of the Funds.</b>	<i>Provisional common understanding</i>  <del>4-3.</del> Member States and the Commission shall <del>ensure</del> <b>promote</b> 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 <b>and funds</b> . They shall optimise mechanisms for coordination between those responsible to avoid duplication during planning and implementation. <b>Accordingly, Member States and the Commission shall also take into account the relevant country-specific recommendations in the programming and implementation of the Funds.</b>	I-15  <i>Link to recital (40)</i>	211
	<u>Amendment 70</u>		<i>Provisional common understanding</i>	I-16	212

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>4a. Member States and the Commission shall ensure compliance with relevant State aid rules.</i>		[no change]		
			<p><i>Provisional common understanding</i></p> <p><b>Article XX</b></p> <p><b>Climate targets and climate adjustment mechanism</b></p> <p><b>1. 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. 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. The ERDF and the Cohesion Fund shall contribute with 30% and 37% respectively of the Union contribution to expenditure supported for the achievement of the climate objectives set for the EU budget.</b></p> <p><b>2. The climate contribution target for each Member State shall be</b></p>		212A

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<p>established as a percentage of its total ERDF and Cohesion Fund allocation and included in programmes as a result of the types of intervention and the indicative financial breakdown pursuant to Article 17 (3)(d)(vii). The preliminary climate contribution target shall be established in the Partnership Agreement in addition to the elements listed in Article 8.</p> <p>3. The Member State and the Commission shall regularly monitor respect of the climate contribution targets, based on the total eligible expenditure declared by the beneficiaries to the managing authority as broken down by types of intervention in accordance with Article 37 and on data submitted by the Member State. Where the monitoring shows insufficient progress towards reaching the climate contribution target, the Member State and the Commission shall agree on remedial measures in the annual review meeting.</p> <p>4. Where there is insufficient progress towards reaching the climate contribution target at national level by 31 December 2024, the Member State shall take this into account in its mid-term review in accordance with Article 14(1).</p>		

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<i>[Place of Article still subject to technical verification]</i>		
<i>Article 5 Shared management</i>	<i>[no change]</i>	[no change]	<i>Provisional common understanding  [no change]</i>	I-17	213
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, <b><i>in accordance with their institutional and legal framework</i></b> , 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').	[no change]	<i>Provisional common understanding</i>  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'). <b>Member States shall prepare and implement programmes at the appropriate territorial level in accordance with their institutional, legal and financial framework.</b>	I-18  <i>Link to recital (10)</i>	214
		<b>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.</b>	<i>Provisional common understanding  Comment: Council amendment withdrawn as it is covered in row 18</i>	I-19	215
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	<u>Amendment 72</u>  2. <del>However,</del> <b><i>Without prejudice to Article 1(2)</i></b> , 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	[no change]	<i>Provisional common understanding  [no change]</i>	I-20	216

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
contributed to InvestEU <sup>61</sup> 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 Regulation.	Investments, the amount of support transferred from the ESF+ to transnational cooperation, the amounts contributed to InvestEU <sup>37</sup> 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 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, <b>with the agreement of the Member State and the regions concerned</b> , implement outermost regions' cooperation under the European territorial cooperation goal (Interreg) under indirect management.	<b>3. In agreement with the Member State concerned</b> , 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, <b>with the agreement of the Member State and the regions concerned</b> , implement outermost regions' cooperation under the European territorial cooperation goal (Interreg) under indirect management.	I-21	217
<i>Article 6</i> <i>Partnership and multi-level governance</i>	<i>[no change]</i>	[no change]	<i>Provisional common understanding</i>  <i>[no change]</i>	I-22  <i>Link to recital (11)</i>	218
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. <b>For the Partnership Agreement and each programme</b> , each Member State shall, <b>in accordance with its institutional and legal framework</b> , organise a <b>fully -</b>	1. Each Member State shall organise <b>and implement</b> a partnership with <b>the involvement of relevant partners in accordance with Commission Delegated Regulation (EU) No 240/2014<sup>62</sup>, taking into account specificities of the Funds.</b>	<i>Provisional common understanding</i> 1. <b>For the Partnership Agreement and each programme</b> , each Member State shall organise <b>and implement</b> a <b>comprehensive</b> partnership <b>in</b>	I-23	219

<sup>61</sup> [Regulation (EU) No [...] on [...] (OJ L [...], [...], p. [...])].

<sup>62</sup> 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 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<del>fledged, effective partnership with the competent regional and local authorities. That partnership shall include at least the following partners:</del>	<del>competent regional and local authorities. That partnership shall include at least the following partners:</del>	<del>accordance with its institutional and legal framework and taking into account the specificities of the Funds with the competent regional and local authorities. That partnership shall include at least the following partners:</del>		
(a) urban and other public authorities;	<u>Amendment 75</u>  (a) <b>regional, local</b> , urban and other public authorities;	(a) urban and other public authorities;	Provisional common understanding  (a) <b>regional, local</b> , urban and other public authorities;	I-24	220
(b) economic and social partners;	[no change]	(b) economic and social partners;	Provisional common understanding  [no change]	I-25	221
(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, <b>such as</b> environmental partners, <b>non-governmental organisations</b> , 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.	Provisional common understanding  (c) relevant bodies representing civil society, <b>such as</b> environmental partners, <b>non-governmental organisations</b> , and bodies responsible for promoting social inclusion, fundamental rights, rights of persons with disabilities, gender equality and non-discrimination.	I-26	222
	<u>Amendment 77</u>  (ca) <b>research institutions and universities, where appropriate.</b>		Provisional common understanding  (ca) <b>research institutions and universities, where appropriate.</b>	I-27	223
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	<u>Amendments 78 and 459</u>  2. In accordance with the multi-level governance principle <b>and following a bottom-up approach</b> , the Member State shall involve those partners in the	<del>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</del>	Provisional common understanding  2. <b>The partnership established under paragraph 1 shall operate</b> in accordance with the multi-level governance principle <b>and a bottom-up approach</b> . The Member	I – 28	224

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
through participation in monitoring committees in accordance with Article 34.	preparation of Partnership Agreements and throughout the preparation <del>and</del> , implementation <b>and evaluation</b> of programmes including through participation in monitoring committees in accordance with Article 34. <b><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></b>	<del>through participation in monitoring committees in accordance with Article 34.</del>	State shall involve those partners in the preparation of Partnership Agreements and throughout the preparation <del>and</del> , implementation <b>and evaluation</b> of programmes including through participation in monitoring committees in accordance with Article 34.  <b><i>In that context, Member States shall, where relevant, allocate an appropriate percentage of the resources coming from the Funds for the administrative capacity building of social partners and civil society organisations. For Interreg programmes, the Partnership shall include partners from all participating Member States.</i></b>		
3. The organisation and implementation of partnership shall be carried out in accordance with Commission Delegated Regulation (EU) No 240/2014 <sup>63</sup> .	<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 <sup>3</sup> . <b><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 Delegated Regulation to this Regulation.</i></b>	<del>3. The organisation and implementation of partnership shall be carried out in accordance with Commission Delegated Regulation (EU) No 240/2014<sup>3</sup>.</del>	<i>Provisional common understanding</i> 3. The organisation and implementation of partnership shall be carried out in accordance with Commission Delegated Regulation (EU) No 240/2014 <sup>3</sup> .	I-29  <i>Link to recitals (11) and (69) and Article 110.</i>	225

<sup>63</sup> 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 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
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, <b>and shall report to the European Parliament and Council on the outcome.</b>	<del>4.2.</del> At least once a year, the Commission shall consult the organisations which represent the partners at Union level on the implementation of programmes.	<i>Provisional common understanding</i>  4. At least once a year, the Commission shall consult organisations which represent partners at Union level on the implementation of programmes, <b>and shall report to the European Parliament and Council on the outcome.</b>	I-30	226
	<u>Amendment 81</u>  <b>Article 6 a (new)</b>  <i>Horizontal Principles</i>  <b>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.</b>		<i>Provisional common understanding</i>  <b>Article 6 a (new)</b>  <i>Horizontal Principles</i>  <b>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.</b>	I-31  <i>Link to recitals (5) and (38)</i>	227
	<b>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 implementation of programmes, including in relation to monitoring, reporting and evaluation.</b>		<i>Provisional common understanding</i>  <b>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, implementation, monitoring reporting and evaluation of programmes.</b>	I-32	228
	<b>3. Member States and the Commission shall take appropriate steps to prevent any discrimination based on gender, racial or ethnic origin, religion or belief,</b>		<i>Provisional common understanding</i>  <b>3. Member States and the Commission shall take appropriate steps to prevent</b>	I-33	229

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>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>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>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>		Provisional common understanding  <i>4. The objectives of the Funds shall be pursued in line with the objective of promoting sustainable development as set out in Article 11 TFEU, taking into account the UN Sustainable Development Goals, the Paris Climate Agreement and the "do no significant harm" principle.</i>	I-34	230
	<i>Member States and the Commission shall ensure that environmental protection requirements, resource efficiency, energy efficiency first-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>		Provisional common understanding  <i>The objectives of the Funds shall be pursued in full respect of the EU environmental acquis.</i>	I-35	231

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
TITLE II STRATEGIC APPROACH	[no change]	[no change]	Provisional common understanding  [no change]	I-36	232
CHAPTER I Partnership Agreement	[no change]	[no change]	Provisional common understanding  [no change]	I-37	233
Article 7 <i>Preparation and submission of the Partnership Agreement</i>	[no change]	Article 7 Preparation and submission of the <del>Partnership Agreement</del>	Provisional common understanding  [no change]	I-38  <i>Link to recital (15)</i>	234
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 established by the Commission Delegated Regulation (EU) No 240/2014.</i>	1. Each Member State shall prepare a Partnership Agreement which sets out <b>the strategic orientation for programming and the</b> arrangements for using the <del>Funds</del> <b>ERDF, the Cohesion Fund, the ESF+, and the EMFF</b> in an effective and efficient way for the period from 1 January 2021 to 31 December 2027.	Provisional common understanding  1. Each Member State shall prepare a Partnership Agreement which sets out <b>the strategic orientation for programming and the</b> arrangements for using the <del>Funds</del> <b>ERDF, the Cohesion Fund, the ESF+, JTF and the EMFF</b> in an effective and efficient way for the period from 1 January 2021 to 31 December 2027.	I-39	235
		<b>The requirement in the first subparagraph shall not apply where:</b>  a) <b>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>	Provisional common understanding  <b>1a. The Partnership Agreement shall be prepared in accordance with the code of conduct established by the Commission Delegated Regulation (EU) No 240/2014. When a Member</b>	I-40	236

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		<b>b) a Member State does not submit more than three programmes under the Investment for jobs and growth goal.</b>	<b>State already provides for a comprehensive partnership during the preparation of its programmes, this requirement is considered to be complied with.</b>		
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, <b>but not later than 30 April 2021.</b>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-41	237
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 <b>and the National Energy and Climate Plan.</b>	<del>3. The Partnership Agreement may be submitted together with the relevant annual National Reform Programme.</del>	<i>Provisional common understanding</i> 3. The Partnership Agreement may be submitted together with the relevant annual National Reform Programme <b>and the National Energy and Climate Plan.</b>	I-42	238
			<i>Provisional common understanding</i>  <b>3a. The Partnership Agreement shall be a strategic and concise document. It shall be no more than 35 pages, unless the Member State, at its own initiative, decides to extend the length of the document.</b>  <i>[The reference to the number of pages to be seen while aligning the Annex.]</i>	I-42 BIS	239
4. The Member State shall draw up the Partnership Agreement in accordance with	<i>[no change]</i>	4. The Member State shall draw up the Partnership Agreement in accordance with	<i>Provisional common understanding</i>	I-43	240

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
the template set out in Annex II. It may include the Partnership Agreement in one of its programmes.		the template set out in Annex II. <del>It may include the Partnership Agreement in one of its programmes.</del>	<i>[no change]</i>  <i>Comment: In Annex II: Reduction of indicative characters in text field for point 2 (Policy choices, coordination and complementarity), from 60 000 to <u>30 000</u> and inclusion of a minimum of 10 000, to effectively create a range of 10 000 - 30 000 characters.</i>		
5. Interreg programmes may be submitted to the Commission before the submission of the Partnership Agreement.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-44	241
			<i>Provisional common understanding</i>  <b>6. 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.</b>	I-44 BIS	242
<i>Article 8</i> <i>Content of the Partnership Agreement</i>	<i>[no change]</i>	<i>Article 8</i> <i>Content of the Partnership Agreement</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-45	243
The Partnership Agreement shall contain the following elements:	<i>[no change]</i>	<b>1.</b> The Partnership Agreement shall contain the following elements:	<i>Provisional common understanding</i>  <i>[no change]</i>	I-46	244
(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	<u>Amendment 85</u> (a) the selected policy objectives indicating by which of the Funds and programmes they will be pursued and a	(a) the selected policy objectives indicating by which of the funds <b>covered by the Partnership Agreement</b> and programmes they will be pursued and a justification thereto, and where relevant, a	<i>Provisional common understanding</i>  (a) the selected policy objectives indicating by which of the funds <b>covered by the Partnership Agreement</b> and	I-47F  <i>Link to recitals (12)</i>	245

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
the InvestEU, taking into account relevant country-specific recommendations;	justification thereto, <del>and where relevant, a justification for using the delivery mode of the InvestEU,</del> taking into account <b>and listing</b> relevant country-specific recommendations, <b>as well as regional challenges</b> ;	justification for using the delivery mode of the InvestEU, taking into account relevant country-specific recommendations, <b>as well as the principles of the European Pillar of Social Rights</b> ;	programmes they will be pursued and a justification thereto, <del>[and where relevant, a justification for using the delivery mode of the InvestEU],</del> taking into account relevant country-specific recommendations, <b>the National Energy and Climate Plan, the principles of the European Pillar of Social Rights and, where relevant, regional challenges</b> ;	<i>and</i> (13)	
(a) the selected policy objectives <b>and the specific objective of the JTF</b> , 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 relevant country-specific recommendations;	(a) the selected policy objectives and the specific objective of the JTF, indicating by which of the funds covered by the Partnership Agreement and programmes they will be pursued and a justification thereto, <del>[and where relevant, a justification for using the delivery mode of the InvestEU],</del> taking into account relevant country-specific recommendations, <b>the National Energy and Climate Plan, the principles of the European Pillar of Social Rights and, where relevant, regional challenges</b> ;	(a) the selected policy objectives and the specific objective of the JTF, indicating by which of the <del>F</del> <b>funds covered by the Partnership Agreement</b> and programmes they will be pursued and a justification thereto, <del>[and where relevant, a justification for using the delivery mode of the InvestEU,]</del> taking into account relevant country-specific recommendations, <b>the National Energy and Climate Plan, the principles of the European Pillar of Social Rights and, where relevant, regional challenges</b> ;	<i>Provisional common understanding</i>  (a) the selected policy objectives and the specific objective of the JTF, indicating by which of the <del>F</del> <b>funds covered by the Partnership Agreement</b> and programmes they will be pursued and a justification thereto, <del>[and where relevant, a justification for using the delivery mode of the InvestEU,]</del> <sup>64</sup> taking into account relevant country-specific recommendations, <b>the National Energy and Climate Plan, the principles of the European Pillar of Social Rights and, where relevant, regional challenges</b> ;	IX-34	246
(b) for each of the selected policy objectives referred to in point (a):	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-48F	247
(b) for each of the selected policy objectives referred to in point (a) <b>and the specific objective of the JTF</b> ;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IX-36	248

<sup>64</sup> Put in square brackets pending the outcome of discussions on Article 10, according to provisional common understanding on CPR Block 1 (doc. 14962/19).



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
(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, <del>including where relevant, through the use of InvestEU;</del>	(i) a summary of the policy choices and the main results expected for each of the <b>funds covered by the Partnership Agreement</b> , including where relevant, through the use of InvestEU;	<i>Provisional common understanding</i>  (i) a summary of the policy choices and the main results expected for each of the funds <b>covered by the Partnership Agreement</b> , <del>including where relevant, through the use of InvestEU;</del>	I-49	249
(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, <b>in particular with regard to CAP Strategic Plans referred to in Regulation (EU) [...] (the 'CAP Strategic Plans Regulation')</b> ;	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-50	250
(iii) complementarities between the Funds and other Union instruments, including LIFE strategic integrated projects and strategic nature projects;	<u>Amendment 88</u>  (iii) complementarities <b>and synergies</b> between the Funds and other Union instruments, including LIFE strategic integrated projects and strategic nature projects, <b>and, where appropriate, projects funded under Horizon Europe</b> ;	(iii) complementarities between the <b>funds covered by the Partnership Agreement</b> and other Union instruments; <del>including LIFE strategic integrated projects and strategic nature projects</del> <b>funds</b> ;	<i>Provisional common understanding</i>  (iii) complementarities <b>and synergies</b> between the <b>funds covered by the Partnership Agreement, the AMIF, the ISF, the BMVI</b> , and other Union instruments, including LIFE strategic integrated projects and strategic nature projects, <b>and, where appropriate, projects funded under Horizon Europe</b> ;	I-51	251
	<u>Amendment 89</u>  <b>(iii a) delivery on targets, policies and measures under the National Energy and Climate Plans</b> ;		<i>Provisional common understanding</i>  <i>[no change]</i>  <i>Comment: EP amendment withdrawn as</i>	I-52	252

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<i>covered in row I-47</i>		
(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 <b>and where appropriate at regional</b> level, respecting Fund-specific rules on thematic concentration;	(c) the preliminary financial allocation from each of the <b>funds covered by the Partnership Agreement</b> by policy objective at national level, respecting Fund-specific rules on thematic concentration;	<i>Provisional common understanding</i>  (c) the preliminary financial allocation from each of the <b>funds covered by the Partnership Agreement</b> by policy objective at national <b>and where appropriate at regional</b> level, respecting Fund-specific rules on thematic concentration;	I-53F	253
(c) the preliminary financial allocation from each of the Funds by policy objective at national level, respecting Fund-specific rules on thematic concentration <b>and the preliminary financial allocation for the specific objective of the JTF including any ERDF and ESF+ resources to be transferred to the JTF in accordance with Article 21a;</b>	(c) the preliminary financial allocation from each of the <b>funds covered by the Partnership Agreement</b> by policy objective at national <b>and where appropriate at regional level</b> , respecting Fund-specific rules on thematic concentration and the preliminary financial allocation for the specific objective of the JTF including any ERDF and ESF+ resources to be transferred <b>on a voluntary basis</b> to the JTF in accordance with Article 21a;	(c) the preliminary financial allocation from each of the <b>€funds covered by the Partnership Agreement</b> by policy objective at national <b>and where appropriate at regional</b> level, respecting Fund-specific rules on thematic concentration and the preliminary financial allocation for the specific objective of the JTF including any ERDF and ESF+ resources to be transferred to the JTF in accordance with Article 21a;	<i>Provisional common understanding</i>  (c) the preliminary financial allocation from each of the <b>€funds covered by the Partnership Agreement</b> by policy objective at national <b>and where appropriate at regional</b> level, respecting Fund-specific rules on thematic concentration and the preliminary financial allocation for the specific objective of the JTF including any ERDF and ESF+ resources to be transferred <b>on a voluntary basis</b> to the JTF in accordance with Article 21a;	IX-38	254
(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) <del>where relevant</del> , 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;	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-54F	255

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
(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 <del>between categories of regions</del> pursuant to <b>Articles 21 and Article 105, including a justification for such transfers;</b>	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	IX-133	256
		<b>(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 breakdown of financial resources by programme and category of regions;</b>	Provisional common understanding  <b>(d bis) for technical assistance, the choice of the Member State of the form of Union contribution pursuant to Article 30(3) and, where applicable, the preliminary financial allocation from each of the funds covered by the Partnership Agreement at national level and breakdown of financial resources by programme and category of regions;</b>	I-55	257
(e) the amounts to be contributed to InvestEU by Fund and by category of regions;	<u>Amendment 92</u> <del>(e) the amounts to be contributed to InvestEU by Fund and by category of regions;</del>	(e) the amounts to be contributed to InvestEU by fund and by category of regions, <b>where relevant;</b>	Provisional common understanding  (e) the amounts to be contributed to InvestEU by Fund and by category of regions;	I-56	258
(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;	Provisional common understanding  (f) the list of planned programmes under the <u>funds covered by the Partnership Agreement</u> with the respective preliminary financial allocations by fund and the corresponding national contribution by category of regions;	I-57	259

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
(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 <b>and its management and control system.</b>	(g) a summary of the actions which the Member State concerned <del>shall</del> <b>plans to</b> take to reinforce its administrative capacity of the implementation of the <b>funds covered by the Partnership Agreement.</b>	<i>Provisional common understanding</i>  (g) a summary of the actions which the Member State concerned <del>shall</del> <b>plans to</b> take to reinforce its administrative capacity of the implementation of the <b>funds covered by the Partnership Agreement</b>	I-58	260
	<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>  <b>(ga) where appropriate, an integrated approach to address the demographic challenges and/ or specific needs of regions and areas;</b>	I-59	261
	<u>Amendment 95</u>  <i>(gb) a communication and visibility strategy.</i>		<i>Comment: EP amendment withdrawn; this issue will be revisited when discussing the content of the Programmes and block 3;</i>	I-60	262
	<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>  [EP AMD moved to I-44BIS]	I-61  <i>Link to recital (48a)</i>	263
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 <b>and the cross-border investment needs in the</b>	[no change]	<i>Provisional common understanding</i>  [no change]	I-62	264

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>concerned Member State.</i>				
		<b>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.</b>	<i>Provisional common understanding</i>  <b>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.</b>	I-63	265
		<b>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.</b>	<i>Provisional common understanding</i>  <i>[CSL AM withdrawn]</i>	I-64	266
<i>Article 9</i> <i>Approval of the Partnership Agreement</i>	<i>[no change]</i>	Article 9 Approval of the Partnership Agreement	<i>Provisional common understanding</i>  <i>[no change]</i>	I-65	267
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 country-specific recommendations.	<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 particular, take into account <b>the provisions of Article 4 and 6, the relevant country-specific recommendations, as well as the</b>	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 <b>how the Member State intends to address</b> relevant country-specific recommendations.	<i>Provisional common understanding</i>  1. The Commission shall assess the Partnership Agreement and its compliance with this Regulation and with the Fund-specific rules <b>while respecting the principle of proportionality, taking into account the strategic nature of the document, the number of programmes covered and the total amount of resources</b>	I-66  <i>Link to recital (15)</i>	268

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>measures linked to integrated national energy and climate plans and the way they are addressed.</i>		<b>allocated to the Member State concerned.</b> In its assessment, the Commission shall, in particular, take into account <b>how the Member State intends to address</b> relevant country-specific recommendations, <b>National Energy and Climate Plans as well as the European Pillar of Social Rights.</b>		
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 <del>three</del> <b>two</b> months of the date of submission by the Member State of the Partnership Agreement.	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	I-67	269
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 <b>within one month of the date of their submission.</b>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	I-68	270
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 concerned. The Partnership Agreement shall not be amended.	<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 <b>the first</b> submission of that Partnership Agreement by the Member State concerned. The Partnership Agreement shall not be amended.	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 concerned. <del>The Partnership Agreement shall not be amended.</del>	Provisional common understanding  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 concerned. <del>The Partnership Agreement shall not be amended.</del>	I-69	271
5. If, pursuant to Article 7(4), the Partnership Agreement is included in a	<i>[no change]</i>	<del>5. If, pursuant to Article 7(4), the Partnership Agreement is included in a</del>	Provisional common understanding	I-70	272

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
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.		<del>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.</del>	5. <i>When</i> the Partnership Agreement is included in a programme <i>in accordance with the second subparagraph of Article 7(4)</i> , the Commission shall adopt a <b>single</b> decision by means of an implementing act approving <b>the Partnership Agreement</b> and that programme no later than six months after the date of submission of that programme by the Member State concerned.		
			<i>Provisional common understanding</i>  <b>Article 9a (new) – Amendment of the Partnership Agreement</b>  <b>1. The Member State may submit to the Commission by 31 March 2025 an amended Partnership Agreement taking into account the the outcome of the mid-term review.</b>  <b>2. The Commission shall assess the amendment and may make observations within three months of the submission of the amended Partnership Agreement.</b>  <b>3. The Member State shall review the amended Partnership Agreement taking into account the observations made by the Commission.</b>  <b>4. The Commission shall approve the amendment of a Partnership</b>	I-70BIS	273

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<b>Agreement no later than six months after its first submission by the Member State.</b>		
<i>Article 10 Use of the ERDF, the ESF+, the Cohesion Fund and the EMFF delivered through InvestEU</i>	<i>[no change]</i>	<i>[no change]</i>		I-71F <i>Link to recital (16)</i>	274
<i>Article 10 Use of the ERDF, the ESF+, the Cohesion Fund, <b>the JTF</b> and the EMFF delivered through InvestEU</i>	Article 10 Use of the ERDF, the ESF+, the Cohesion Fund, <del>the JTF</del> and the EMFF delivered through InvestEU	<i>[no change]</i>	<i>Provisional common understanding</i>  Article 10 Use of the ERDF, the ESF+, the Cohesion Fund, <del>the JTF</del> and the EMFF delivered through InvestEU	IX-41 <i>Link to recital (16)</i>	275
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 Article 21.	<u>Amendment 428</u>  1. <b><i>As of 1 January 2023, Member States, with the agreement of the managing authorities concerned, may allocate, in the Partnership Agreement or in the request for an amendment of a programme, the amount of up to 2% 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 % 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</i></b>	1. Member States may allocate:-  - in the Partnership Agreement or in the <b>comprehensive set of information referred to in Article 8(2); or</b>  - <b>in the</b> 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 Article 21.		I-72F	276



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>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.</i> <del>under Article 21.</del>				
<p>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, <b>the JTF</b> and the EMFF to be contributed to InvestEU and delivered through budgetary guarantees.</p> <p>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>	<p>1. <i>As of 1 January 2023</i>, Member States, <b>with the agreement of the managing authorities concerned</b>, may allocate, <del>in the Partnership Agreement or in the request for an amendment of a programme,</del> <b>up to 2%</b> <del>the amount of</del> ERDF, the ESF+, the Cohesion Fund and the EMFF to be contributed to InvestEU and delivered through budgetary guarantees. <del>The amount to be contributed to InvestEU shall not exceed 5 %</del> <b>Up to 3%</b> of the total allocation of each Fund <b>may be further allocated to InvestEU under the mid-term review</b>, <del>except in duly justified cases.</del> Such contributions shall not constitute transfers of resources under Article 21 <b>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</b></p>	<p>1. Member States may allocate,:</p> <ul style="list-style-type: none"> <li>- in the Partnership Agreement or</li> <li>- in the request for an amendment of a programme,</li> </ul> <p><del>the an amount of</del> <b>the</b> ERDF, the ESF+, the Cohesion Fund, the JTF and the EMFF to be contributed to InvestEU and delivered through <b>the EU guarantee and the InvestEU Advisory Hub.</b> <del>budgetary guarantees.</del> <b>This amount shall contribute to the achievement of the policy objectives selected in the Partnership Agreement or the programme.</b> The amount to be contributed to InvestEU shall not exceed 5 % of the total allocation of each Fund, <b>for the Member State</b> except in duly justified cases. Such contributions shall <b>be implemented in accordance with the rules established in the InvestEU regulation and shall</b> not constitute transfers of resources under Article 21.</p>	<p><i>Provisional common understanding</i></p> <p>1. Member States may allocate, in the Partnership Agreement <del>or in the request for an amendment of a programme,</del> <b>an amount of up to 2% of the initial national allocation for the ERDF, the ESF+, the Cohesion Fund, the JTF and the EMFF respectively</b> to be contributed to InvestEU and delivered through <b>the EU guarantee and the InvestEU Advisory Hub.</b> <del>budgetary guarantees.</del> <b>Member States, with the agreement of the managing authority concerned, may further allocate an amount of up to 3% of the initial national allocation of each of those Funds after 1 January 2023 through one or more programme amendment requests.</b></p> <p><b>These amounts shall contribute to the achievement of the policy objectives selected in the Partnership Agreement or the programme, and they shall support investments essentially in the category of contributing regions.</b></p>	IX-43	277

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>be allocated.</i>		<del>The amount to be contributed to InvestEU shall not exceed 5 % of the total allocation of each Fund, except in duly justified cases.</del> Such contributions shall <b>be implemented in accordance with the rules established in the InvestEU regulation and shall</b> not constitute transfers of resources under Article 21.		
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.	<u>Amendment 103</u> <del>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.</del>	<i>[no change]</i>	<i>Provisional common understanding</i>  <b>2. Member States shall determine the total amount contributed for each year by Fund and by category of region.</b> 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.	I-73	278
3. The amount referred to in paragraph 1 shall be used for the provisioning of the part of the EU guarantee under the Member State compartment.	<u>Amendment 104</u> 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.	3. The amount referred to in paragraph 1 shall be used for the provisioning of the part of the EU guarantee under the Member State compartment <b>and for the InvestEU Advisory Hub [upon conclusion of the contribution agreement referred to in Article 9(3) of the [InvestEU Regulation]].</b> The budgetary commitments of the Union in respect of each contribution agreement may be made by the Commission in annual instalments during the period between 1 January 2021 and 31 December 2027.	<i>Provisional common understanding</i>  3. The amount referred to in paragraph 1 shall be used for the provisioning of the part of the EU guarantee under the Member State compartment <b>and for the InvestEU Advisory Hub [upon conclusion of the contribution agreement referred to in Article 9(3) of the [InvestEU Regulation]].</b> The budgetary commitments of the Union in respect of each contribution agreement may be made by the Commission in annual instalments	I-74	279

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			during the period between 1 January 2021 and 31 December 2027.		
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 <del>2021</del> <b>2023</b> for an amount referred to in paragraph 1, <del>allocated in the Partnership Agreement</del> , the Member State shall submit a request for amendment of a programme or programmes to use the corresponding amount.	4. <b>Notwithstanding Article 12 of the Financial Regulation</b> , where a contribution agreement, as set out in Article [9] of the [InvestEU Regulation], has not been concluded <b>within four months following the Commission Decision adopting the Partnership Agreement</b> by 31 December 2021 for an amount referred to in paragraph 1 allocated in the Partnership Agreement, <b>the corresponding amount shall be allocated to a programme or programmes [within the contributing Fund and category of region, where relevant] following a request by the Member State.</b> <del>shall submit a request for amendment of a programme or programmes to use the corresponding amount</del>	<i>Provisional common understanding</i>  4. <b>Notwithstanding Article 12 of the Financial Regulation</b> , where a contribution agreement, as set out in Article [9] of the [InvestEU Regulation], has not been concluded <b>within four months following the Commission Decision adopting the Partnership Agreement</b> by <del>31 December 2021</del> for an amount referred to in paragraph 1 allocated in the Partnership Agreement, <b>the corresponding amount shall be allocated to a programme or programmes within the contributing Fund and category of region, where relevant following a request by the Member State.</b> <del>shall submit a request for amendment of a programme or programmes to use the corresponding amount</del>	I-75	280
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, <b>or amended as the case may be</b> , simultaneously with the adoption of the decision amending the programme.	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-76	281
5. Where a guarantee agreement, as set out in Article [9] of the [InvestEU	<u>Amendment 107</u>	5. Where a guarantee agreement, as set out in Article [9] of the [InvestEU	<i>Provisional common understanding</i>	I-77	282

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New 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>	Regulation], has not been concluded within nine months from the approval of the contribution agreement, <b>the contribution agreement shall be terminated or prolonged by mutual agreement.</b> <del>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</del>	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, <b>the contribution agreement shall be terminated or prolonged by mutual agreement.</b> <del>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</del>		
		<b>Where the participation of a Member State in InvestEU is discontinued, the respective amounts paid into the common provisioning fund as a provisioning shall be recovered as internal assigned revenue pursuant to Article 21(5) of the Financial Regulation and the Member State shall submit a request for a programme amendment to use the amounts recovered and the amounts allocated to future calendar years according to paragraph 2. The termination or amendment of the contribution agreement shall be concluded simultaneously with the adoption of the decision amending the programme</b>	<i>Provisional common understanding</i> <b>Where the participation of a Member State in InvestEU is discontinued, the respective amounts paid into the common provisioning fund as a provisioning shall be recovered as internal assigned revenue pursuant to Article 21(5) of the Financial Regulation. The Member State concerned shall submit a request for one or more programme amendments to use the amounts recovered and the amounts allocated to future calendar years according to paragraph 2. The termination or amendment of the contribution agreement shall be concluded simultaneously with the adoption of the decisions amending the concerned programme or</b>	I-77A	283

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<b>programmes.</b>		
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.	<i>[no change]</i>	6. Where a guarantee agreement, as set out in Article [9] of the [InvestEU Regulation], has not been <del>fully</del> <b>duly</b> implemented within four years from the signature of the guarantee agreement <b>[the contribution agreement shall be amended.]</b> The Member State may request that amounts <b>contributed to the EU guarantee under paragraph 1 and</b> committed in the guarantee agreement but not covering underlying loans, <b>equity investments</b> or other risk bearing instruments <del>are shall be</del> treated in accordance with paragraph 5	<i>Provisional common understanding</i>  6. Where a guarantee agreement, as set out in Article [9] of the [InvestEU Regulation], has not been <del>fully</del> <b>duly</b> implemented within four years from the signature of the guarantee agreement <b>the contribution agreement shall be amended.</b> The Member State may request that amounts <b>contributed to the EU guarantee under paragraph 1 and</b> committed in the guarantee agreement but not covering underlying loans, <b>equity investments</b> or other risk bearing instruments <del>are shall be</del> treated in accordance with paragraph 5.	I-78	284
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 shall be used for support under the same objective or objectives in the form of financial instruments.	<u>Amendment 108</u>  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 <b>the local or regional authority concerned by the contribution and</b> 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 <b>to the EU guarantee InvestEU and delivered through budgetary guarantees</b> 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 <b>or budgetary guarantees.</b>	<i>Provisional common understanding</i>  7. Resources generated by or attributable to the amounts contributed <b>to the EU guarantee InvestEU and delivered through budgetary guarantees</b> 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 <b>or budgetary guarantees.</b>	I-79	285
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	<i>[no change]</i>	<del>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</del>	<i>Provisional common understanding</i>  8. The Commission shall re-budget contributed amounts which have not been used for InvestEU for the year in which the corresponding programme	I-80	286

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
go beyond the year 2027.		not go beyond the year 2027.	amendment is approved. Such re-budgetisation may not go beyond the year 2027.		
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.	[no change]	<b>For the amounts to be reused in a programme in accordance with paragraphs 4, 5 and 6</b> , the decommitment time limit <del>for the re-budgeted amount in accordance with as defined in</del> Article 99 paragraph 1 shall start <del>from in</del> the year in which the <b>corresponding budgetary commitments are made.</b> <del>contribution has been re-budgeted</del>	<i>Provisional common understanding</i> <b>For the amounts to be reused in a programme in accordance with paragraphs 4, 5 and 6</b> , the decommitment time limit <del>for the re-budgeted amount in accordance with as defined in paragraph 1</del> of Article 99 shall start <del>from in</del> the year in which the <b>corresponding budgetary commitments are made.</b> <del>contribution has been re-budgeted.</del>	I-81	287
CHAPTER II Enabling conditions and performance framework	[no change]	[no change]	<i>Provisional common understanding</i> [no change]	II-3	288
<i>Article 11</i> <i>Enabling conditions</i>	[no change]	[no change]	<i>Provisional common understanding</i> [no change]	II-4 <i>Link to recital (17) and line VII-24</i>	289
1. For each specific objective, prerequisite conditions for its effective and efficient implementation ('enabling conditions') are laid down in this Regulation.	<u>Amendment 109</u> For each specific objective, prerequisite conditions for its effective and efficient implementation ('enabling conditions') are laid down in this Regulation. <b><i>Enabling conditions shall apply to the</i></b>	1. For <del>each the</del> specific objective <b>objectives</b> , prerequisite conditions for <del>its</del> <b>their</b> effective and efficient implementation ('enabling conditions') are laid down in this Regulation.	<i>Provisional common understanding</i> 1. For <del>each the</del> specific objective <b>objectives</b> , prerequisite conditions for <del>its</del> <b>their</b> effective and efficient implementation ('enabling conditions')	II-5	290

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>extent to which they contribute to the achievement of the specific objectives of the programme.</i>		are laid down in this Regulation.		
Annex III lays down horizontal enabling conditions applicable to all specific objectives and the criteria necessary for the assessment of their fulfilment.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	II-6	291
Annex IV lays down thematic enabling conditions for the ERDF, the Cohesion Fund and the ESF+ and the criteria necessary for the assessment of their fulfilment.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	II-7	292
		<b>The enabling condition regarding the tools and capacity for effective application of State aid rules is not applicable to programmes supported by the AMIF, the BMVI and the ISF.</b>	Provisional common understanding  <b>The enabling condition regarding the tools and capacity for effective application of State aid rules is not applicable to programmes supported by the AMIF, the BMVI and the ISF.</b>	II-8	293
2. When preparing a programme or introducing a new specific objective as part of a programme amendment, the Member State shall assess whether the enabling conditions linked to the selected specific objective are fulfilled. An enabling condition is fulfilled where all the related criteria are met. The Member State shall identify in each programme or in the programme amendment the fulfilled and non-fulfilled enabling conditions and where it considers that an enabling condition is fulfilled, it shall provide	<u>Amendment 110</u>  2. When preparing a programme or introducing a new specific objective as part of a programme amendment, the Member State shall assess whether the enabling conditions linked to the selected specific objective are fulfilled. An enabling condition is fulfilled where all the related criteria are met. The Member State shall identify in each programme or in the programme amendment the fulfilled and non-fulfilled enabling conditions and where it considers that an	2. When preparing a programme or introducing a new specific objective as part of a programme amendment, the Member State shall assess whether the <b>applicable</b> enabling conditions linked to the selected specific objective are fulfilled, <b>taking into account the principle of proportionality</b> . An enabling condition is fulfilled where all the related criteria are met. The Member State shall identify in each programme or in the programme amendment the fulfilled and non-fulfilled enabling conditions and where it considers that an enabling	Provisional common understanding  2. When preparing a programme or introducing a new specific objective as part of a programme amendment, the Member State shall assess whether <b>those</b> <del>the</del> enabling conditions linked to the selected specific objective are fulfilled. An enabling condition is fulfilled where all the related criteria are met. The Member State shall identify in each programme or in the programme amendment the fulfilled and non-fulfilled enabling conditions and where it	II-9  <i>Link to recital (17)</i>	294

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
justification.	enabling condition is fulfilled, it shall provide justification. <b><i>On the request of a Member State, the EIB may contribute to the assessments of actions needed to fulfil the relevant enabling conditions.</i></b>	condition is fulfilled, it shall provide justification.	considers that an enabling condition is fulfilled, it shall provide justification.		
3. Where an enabling condition is not fulfilled at the time of approval of the programme or the programme amendment, the Member State shall report to the Commission as soon as it considers the enabling condition fulfilled with justification.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	II-10	295
4. The Commission shall, within three months of receipt of the information referred to in paragraph 3, perform an assessment and inform the Member State where it agrees with the fulfilment.	<u>Amendment 111</u>  4. The Commission shall, within <del>three</del> <b>two</b> months of receipt of the information referred to in paragraph 3, perform an assessment and inform the Member State where it agrees with the fulfilment.	<i>[no change]</i>	Provisional common understanding  4. The Commission shall, <b>as soon as possible and no later than</b> <del>within</del> <b>three months of</b> <del>after</del> receipt of the information referred to in paragraph 3, perform an assessment and inform the Member State where it agrees with the fulfilment <b>of the enabling condition.</b>  Where the Commission disagrees with the assessment of the Member State, it shall inform the Member State <del>accordingly and give it the opportunity to present its observations within one month.</del> <b>setting out its assessment.</b>	II-11	296
Where the Commission disagrees with the assessment of the Member State, it shall inform the Member State accordingly and give it the opportunity to present its observations within one month.	<u>Amendment 112</u>  Where the Commission disagrees with the assessment of the Member State, it shall inform the Member State accordingly and give it the opportunity to	Where the Commission disagrees with the assessment of the Member State, it shall inform the Member State <del>accordingly and give it the opportunity to present its observations within one month.</del> <b>setting out its assessment accordingly. The</b>	Provisional common understanding  <b>Where the Member State disagrees with this assessment, it shall present its observations within one month and the Commission shall proceed in</b>	II-12	297



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	present its observations within <del>one month</del> <b>maximum two months.</b>	<b>Member State shall react in accordance with the procedure set out in paragraph 3.</b>	<b>accordance with the first sub-paragraph.</b>  <b>Where the Member State accepts the assesement of the Commission, it shall proceed in accordance with paragraph 3.</b>		
5. Expenditure related to operations linked to the specific objective cannot be included in payment applications until the Commission has informed the Member State of the fulfilment of the enabling condition pursuant to paragraph 4.	<u>Amendment 113</u>  Expenditure related to operations linked to the specific objective <del>may cannot</del> be included in payment applications <del>until</del> <b>before</b> the Commission has informed the Member State of the fulfilment of the enabling condition pursuant to paragraph 4, <b>without prejudice to the suspension of the reimbursement itself until such time as the condition is fulfilled.</b>	<b>5. Without prejudice to Article 99,</b> expenditure related to operations linked to the specific objective <del>cannot shall not be included in payment applications</del> <b>reimbursed by the Commission to the Member State</b> until the Commission has informed the Member State of the fulfilment of the enabling condition pursuant to <b>the first sub-paragraph of</b> paragraph 4.	<i>Provisional common understanding</i>  <b>5. Without prejudice to Article 99,</b> expenditure related to operations linked to the specific objective <del>may cannot</del> be included in payment applications <b>but shall not be reimbursed by the Commission</b> until the Commission has informed the Member State of the fulfilment of the enabling condition pursuant to <b>the first sub-paragraph of</b> paragraph 4.	II-13  <i>Link to Article 87(1)</i>	298
The first sub-paragraph shall not apply to operations that contribute to the fulfilment of the corresponding enabling condition.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	II-14	299
6. The Member State shall ensure that enabling conditions are fulfilled and applied throughout the programming period. It shall inform the Commission of any modification impacting the fulfilment of enabling conditions.	<i>[no change]</i>	6. The Member State shall ensure that enabling conditions <del>are remain</del> fulfilled and <del>applied</del> throughout the programming period. It shall inform the Commission of any modification impacting the fulfilment of enabling conditions.	<i>Provisional common understanding</i>  6. The Member State shall ensure that enabling conditions <del>are remain</del> fulfilled and <del>applied-respected</del> throughout the programming period. It shall inform the Commission of any modification impacting the fulfilment of enabling conditions.	II-15	300
Where the Commission considers that an enabling condition is no longer fulfilled, it	<i>[no change]</i>	Where the Commission considers that an enabling condition is no longer fulfilled, it	<i>Provisional common understanding :</i>	II-16	301

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
shall inform the Member State and give it the opportunity to present its observations within one month. Where the Commission concludes that the non-fulfilment of the enabling condition persists, expenditure related to the specific objective concerned cannot be included in payment applications as from the date the Commission informs the Member State accordingly.		shall inform the Member State <b>setting out its assessment</b> and give it the opportunity to present its observations within one month. Where the Commission concludes that the non-fulfilment of the enabling condition persists, <b>and without prejudice to Article 99</b> , expenditure related to the specific objective concerned <del>cannot</del> <b>shall not</b> be included in payment applications <b>reimbursed by the Commission to the Member State<sup>1</sup></b> as from the date the Commission informs the Member State accordingly.	Where the Commission considers that an enabling condition is no longer fulfilled, it shall inform the Member State <b>setting out its assessment</b> and give it the opportunity to present its observations within one month. <b>Subsequently, the procedure set out in the second and third sub-paragraphs of paragraph 4 shall be followed.</b>  Where the Commission concludes that the non-fulfilment of the enabling condition persists <b>and without prejudice to Article 99, based on the observations of the Member State</b> , expenditure related to the specific objective concerned <del>cannot</del> <b>may</b> <del>cannot</del> be included in payment applications <b>but shall not be reimbursed by the Commission until the Commission has informed the Member State of the fulfilment of the enabling condition pursuant to the first sub-paragraph of paragraph 4.</b>		
7. Annex IV shall not apply to programmes supported by the EMFF.	<i>[no change]</i>	<del>7. Annex IV shall not apply to programmes supported by the EMFF.</del>	<i>Provisional common understanding</i> <del>7. Annex IV shall not apply to programmes supported by the EMFF.</del>	II-17F	302
7. Annex IV shall not apply to programmes supported by the EMFF	<del>7. Annex IV shall not apply to programmes supported by the EMFF</del>	<del>7. Annex IV shall not apply to programmes supported by the EMFF.</del>	<i>Provisional common understanding</i> <del>7. Annex IV shall not apply to programmes supported by the EMFF.</del>	IX-45	303
<b>Annex IV shall also not apply to</b>	7. Annex IV shall <del>also</del> not apply to	7. Annex IV shall <del>also</del> not apply to	<i>Provisional common understanding</i>	IX-46	304

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
<b>priorities supported by the JTF and to the ERDF and the ESF+ resources transferred to the JTF in accordance with Article 21a.</b>	priorities supported by the JTF and to the ERDF and the ESF+ resources transferred <i>on a voluntary basis</i> to the JTF in accordance with Article 21a.	priorities supported by the JTF and to the ERDF and the ESF+ resources transferred to the JTF in accordance with Article 21a.	7. Annex IV shall <del>also</del> not apply to priorities supported by the JTF and to <b>any</b> ERDF and <del>the</del> ESF+ resources transferred <i>on a voluntary basis</i> to the JTF in accordance with Article 21a.		
<i>Article 12 Performance framework</i>	<i>[no change]</i>	Article 12 Performance <del>framework</del>	<i>Provisional common understanding [no change]</i>	II-18 <i>Link to recital (18)</i>	305
1. The Member State shall establish a performance framework which shall allow monitoring, reporting on and evaluating programme performance during its implementation, and contribute to measuring the overall performance of the Funds.	<u>Amendment 115</u> The Member State, <i>where appropriate, in cooperation with local and regional authorities</i> , shall establish a performance framework which shall allow monitoring, reporting on and evaluating programme performance during its implementation, and contribute to measuring the overall performance of the Funds.	1. <b>For each programme</b> , the Member State shall establish a performance framework which shall allow monitoring, reporting on and evaluating programme performance during its implementation, and contribute to measuring the overall performance of the Funds.	<i>Provisional common understanding [no change] EP AMD 115 to be revisited if relevant based on the outcome of discussion on CPR Block 1 (Art.6)'. [no change]</i>	II-19	306
The performance framework shall consist of:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding [no change]</i>	II-20	307
(a) the output and result indicators linked to specific objectives set in the Fund-specific Regulations;	<i>[no change]</i>	(a) <del>the</del> output and result indicators linked to specific objectives set in the Fund-specific Regulations <b>identified for the programme</b> ;	<i>Provisional common understanding <b>(a) the</b> output and result indicators linked to specific objectives set in the Fund-specific Regulations <b>selected for the programme</b>;</i>	II-21	308
(b) milestones to be achieved by the end of the year 2024 for output indicators; and	<i>[no change]</i>	(b) milestones to be achieved by the end of the year 2024 for output <del>indicators</del> ;	<i>Provisional common understanding [no change]</i>	II-22	309

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
(c) targets to be achieved by the end of the year 2029 for output and result indicators.	[no change]	[no change]	Provisional common understanding  [no change]	II-23	310
2. Milestones and targets shall be established in relation to each specific objective within a programme, with the exception of technical assistance and of the specific objective addressing material deprivation set out in Article [4(c)(vii)] of the ESF+ Regulation.	<u>Amendment 116</u>  2. Milestones and targets shall be established in relation to each specific objective within a programme, with the exception of technical assistance and of the specific objective addressing material deprivation set out in Article [ <del>4(c)(vii)</del> ] [4(I)(xi)] of the ESF+ Regulation.	2. Milestones and targets shall be established in relation to each specific objective within a programme, with the exception of technical assistance <b>implemented pursuant to Article 30(5) and to Article 32</b> and of the specific objective addressing material deprivation set out in Article [4(e)(vii)1(xi)] of the ESF+ Regulation.	Provisional common understanding  2. Milestones and targets shall be established in relation to each specific objective within a programme, with the exception of technical assistance and of the specific objective addressing material deprivation set out in Article [ <del>4(c)(vii)</del> ] [4(I)(xi)] of the ESF+ Regulation.  <i>Reference to Art.30(5) and 32 in Council AMD is linked to CPR Block 1 (to be aligned after agreement on Block 1)</i>	II-24	311
3. Milestones and targets shall allow the Commission and the Member State to measure progress towards the achievement of the specific objectives. They shall meet the requirements set out in Article [33(3)] of the Financial Regulation.	[no change]	[no change]	Provisional common understanding  [no change]	II-25	312
<i>Article 13 Methodologies for the establishment of the performance framework</i>	[no change]	[no change]	Provisional common understanding  <i>Article 13 <del>Methodologies</del> <b>Methodology</b> for the establishment of the performance framework</i>	II-26	313
1. The methodologies to establish the performance framework shall include:	[no change]	1. <b>For each programme</b> , the methodologies to establish the performance framework shall include:	Provisional common understanding  1. The <del>methodologies</del> <b>methodology</b> to establish the performance framework	II-27	314

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			shall include:		
(a) the criteria applied by the Member State to select indicators;	<i>[no change]</i>	(a) the criteria applied by the Member State to <del>select</del> <b>identify</b> indicators;	<i>Provisional common understanding</i> <i>[no change]</i>	II-28	315
(b) data or evidence used, data quality assurance and the calculation method;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	II-29	316
(c) factors that may influence the achievement of the milestones and targets and how they were taken into account.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	II-30	317
2. The Member State shall make those methodologies available upon request by the Commission.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> 2. The Member State shall make <del>those methodologies</del> <b>that methodology</b> available upon request by the Commission.	II-31	318
<i>Article 14</i> <i>Mid-term review</i>	<i>[no change]</i>	Article 14 Mid-term review <b>and flexibility amount</b>	<i>Provisional common understanding</i>  Article 14 Mid-term review <b>and flexibility amount</b>	II-32  <i>Link to recital (19) and Article 80(1)</i>	319
1. For programmes supported by the ERDF, the ESF+ and the Cohesion Fund, the Member State shall review each programme, taking into account the following elements:	<u>Amendment 117</u> 1. For programmes supported by the ERDF, the ESF+ and the Cohesion Fund, the Member State <b>and relevant managing authorities</b> shall review each programme, taking into account the	<i>[no change]</i>	<i>Provisional common understanding</i> 1. For programmes supported by the ERDF, the ESF+ and the Cohesion Fund, the Member State shall review each programme, taking into account the following elements.	II-33F	320

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	following elements.				
1. For programmes supported by the ERDF, the ESF+, the Cohesion Fund <b>and the JTF</b> , the Member State shall review each programme, taking into account the following elements:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IX-49	321
(a) the challenges identified in relevant country-specific recommendations adopted in 2024;	<u>Amendment 118</u>  (a) <del>the</del> <b>new</b> challenges identified in relevant country-specific recommendations adopted in 2024 <b>and the targets identified in the implementation of the integrated national climate and energy plans, if relevant;</b>	(a) the <b>new</b> challenges identified in relevant country-specific recommendations adopted in 2024 ;	<i>Provisional common understanding</i>  (a) the <b>new</b> challenges identified in relevant country-specific recommendations adopted in 2024 ;	II-34  <i>Link to recital (14)</i>	322
			<i>Provisional common understanding</i>  <b>(a bis) the progress in implementing the national energy and climate plan, if relevant;</b>		323
		<b>(a bis) the progress in implementing the principles of the European Pillar of Social Rights;</b>	<i>Provisional common understanding</i>  <b>(a ter) the progress in implementing the principles of the European Pillar of Social Rights;</b>	II-35	324
(b) the socio-economic situation of the Member State or region concerned;	<u>Amendment 119</u>  (b) the socio-economic situation of the Member State or region concerned, <b>including the state of implementation of the European Pillar of Social Rights and territorial needs with a view to reducing</b>	<i>[no change]</i>	<i>Provisional common understanding</i>  (b) the socio-economic situation of the Member State or region concerned, <b>with special emphasis on territorial needs, taking into account any major negative financial, economic or social</b>	II-36	325

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>disparities, as well as economic and social inequalities;</i>		<b>development.</b>		
		<b>(b bis) the results from relevant evaluations;</b>	<i>Provisional common understanding</i> <b>(b bis) the main results of relevant evaluations;</b>	II-37	326
(c) the progress in achieving the milestones;	<i>[no change]</i>	(c) the progress in achieving the milestones, <b>taking into account any difficulties encountered in the implementation of the programme;</b>	<i>Provisional common understanding</i> (c) the progress in achieving the milestones, <b>taking into account major difficulties encountered in the implementation of the programme;</b>	II-38	327
(d) the outcome of the technical adjustment as set out in Article 104(2), where applicable.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> (d) the outcome of the technical adjustment as set out in Article 104(2), where applicable.	II-39	328
	<u>Amendment 120</u> <i>(d a) any major negative financial, economic or social developments which require an adjustment of the programmes, including as a consequence of symmetric or asymmetric shocks in the Member States and their regions.</i>		<i>Provisional common understanding</i> <i>[EP amendment withdrawn]</i>	II-40	329
<b>(e) in addition, for programmes supported by the JTF, the assessment carried out by the Commission,</b>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	IX-51	330

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
<b>pursuant to point (b) of Article 29(1) of Regulation (EU) 2018/1999(*)<sup>65</sup>.</b>					
2. The Member State shall submit to the Commission by 31 March 2025 a request for the amendment of each programme in accordance with Article 19(1). The Member State shall justify the amendment on the basis of the elements set out in paragraph 1.	<u>Amendment 121</u>  <i>In accordance with the outcome of the review</i> , the Member State shall submit to the Commission by 31 March 2025 a request for the amendment of each programme in accordance with Article 19(1) <i>or state that no amendment is requested</i> . The Member State shall justify the amendment on the basis of the elements set out in paragraph 1 <i>or, as appropriate, give reasons for not requesting the amendment of a programme</i> .	<b>21a.</b> The Member State shall submit an <b>assessment for each programme on the outcome of the mid-term review, including a proposal for the definitive allocation of the flexibility amount referred to in the second subparagraph of Article 80(1)</b> , to the Commission by 31 March 2025 <del>a request for the amendment of each programme in accordance with Article 19(1). The Member State shall justify the amendment on the basis of the elements set out in paragraph 1.</del>	<i>Provisional common understanding</i>  <b>21a (new).</b> The Member State shall submit <b>an assessment for each programme on the outcome of the mid-term review, including a proposal for the definitive allocation of the flexibility amount referred to in the second subparagraph of Article 80(1)</b> , to the Commission by 31 March 2025.	II-41	331
		<b>2. If deemed necessary following the mid-term review of the programme or, in case new challenges were identified pursuant to point (a) of paragraph 1, the Member State shall submit to the Commission the assessment referred to in paragraph 1a together with the amended programme.</b>	<i>Provisional common understanding</i>  <b>2. If deemed necessary following the mid-term review of the programme or, in case new challenges were identified pursuant to point (a) of paragraph 1, the Member State shall submit to the Commission the assessment referred to in paragraph 1a together with the amended programme.</b>	II-42	332
The revised programme shall include:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>	II-43	333

<sup>65</sup> (\*) Regulation (EU) No 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council.



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<i>[no change]</i>		
(a) the allocations of the financial resources by priority including the amounts for the years 2026 and 2027;	<u>Amendment 122</u>  (a) the <b>revised initial</b> allocations of the financial resources by priority including the amounts for the years 2026 and 2027;	(a) the allocations of the financial resources by priority <del>including the amounts for the years 2026 and 2027;</del>	<i>Provisional common understanding</i>  (a) the allocations of the financial resources by priority;	II-44	334
(b) revised or new targets;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  (b) revised or new targets;	II-45	335
	<u>Amendment 123</u>  <b>(b a) the amounts to be contributed to InvestEU per Fund and per category of region, where appropriate;</b>		<i>Provisional common understanding</i>  <b>[(b a) the amounts to be contributed to InvestEU per Fund and per category of region, where appropriate;]</b>	II-46	336
(c) the revised allocations of the financial resources resulting from the technical adjustment set out in Article 104(2) including the amounts for the years 2025, 2026 and 2027, where applicable.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	II-47	337
		<b>The Commission shall approve the amendment of the programme in accordance with Article 19, including a definitive allocation of the flexibility amount.</b>	<i>Provisional common understanding</i>  <b>The Commission shall approve the amendment of the programme in accordance with Article 19, including a definitive allocation of the flexibility amount.</b>	II-48	338
3. Where as a result of the review a new programme is submitted, the financing plan under point (ii) of Article 17(3)(f) shall cover the total financial appropriation for each of the Funds as of the year of the	<i>[no change]</i>	3. Where, as a result of the <b>mid-term</b> review <del>a new programme is submitted, the financing plan under point (ii) of Article 17(3)(f) shall cover the total financial appropriation for each of the Funds as of,</del>	<i>Provisional common understanding</i>  3. Where, as a result of the <b>mid-term</b> review <del>a new programme is submitted, the financing plan under point (ii) of</del>	II-49	339

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
programme approval.		the year of Member State considers that the programme approval does not need to be amended, the Commission shall:	Article 17(3)(f) shall cover the total financial appropriation for each of the Funds as of, the year of Member State considers that the programme approval does not need to be amended, the Commission shall:		
		a) either adopt a decision within three months of the submission of this assessment confirming the definitive allocation of the flexibility amount referred to in the second subparagraph of Article 80(1) or;	Provisional common understanding  a) either adopt a decision within three months of the submission of this assessment confirming the definitive allocation of the flexibility amount referred to in the second subparagraph of Article 80(1) or;	II-50	340
		b) request the Member State within two months of the submission of this assessment to submit an amended programme in accordance with Article 19;	Provisional common understanding  b) request the Member State within two months of the submission of this assessment to submit an amended programme in accordance with Article 19;	II-51	341
		3a. Until the adoption of the Commission decision confirming the definitive allocation of the flexibility amount as referred to in paragraph 1a, this amount shall not be available for selection of operations.	Provisional common understanding  3a. Until the adoption of the Commission decision confirming the definitive allocation of the flexibility amount as referred to in paragraph 1a, this amount shall not be available for selection of operations.	II-52	342
		4. In 2026, the Commission shall prepare a report about the outcome of the mid-term review and submit it to the European Parliament and to the	Provisional common understanding  4. In 2026, the Commission shall prepare a report about the outcome of	II-53	343

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		<b>Council.</b>	<b>the mid-term review and submit it to the European Parliament and to the Council.</b>		
	<u>Amendment 124</u>  <i>3 a. The Commission shall, by 31 March 2026, adopt a report summarising the results of the review referred to in paragraphs 1 and 2. The Commission shall communicate the report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.</i>		<i>Provisional common understanding</i>  <i>[EP amendment withdrawn]</i>	II-54	344
CHAPTER III Measures linked to sound economic governance	<del>CHAPTER III Measures linked to sound economic governance</del>	<i>[no change]</i>		II - 55	345
CHAPTER III Measures linked to sound economic governance <b>and to exceptional and unusual circumstances</b>	<del>CHAPTER III Measures linked to sound economic governance and to exceptional and unusual circumstances</del>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IX-143	346
<i>Article 15 Measures linking effectiveness of Funds to sound economic governance</i>	<u>Amendments 425/rev, 444/rev, 448 and 469</u>  <del><i>Article 15 Measures linking effectiveness of Funds to sound economic governance</i></del>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	II-56  <i>Link to recital (20)</i>	347
1. The Commission may request a Member State to review and propose amendments to relevant programmes, where this is necessary to support the implementation of	<del>1. The Commission may request a Member State to review and propose amendments to relevant programmes, where this is necessary to support the</del>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	II-57	348

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
relevant Council Recommendations.	<del>implementation of relevant Council Recommendations.</del>				
Such a request may be made for the following purposes:	<del>Such a request may be made for the following purposes:</del>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	II-58	349
(a) to support the implementation of a relevant country-specific recommendation adopted in accordance with Article 121(2) TFEU and of a relevant Council recommendation adopted in accordance with Article 148(4) TFEU, addressed to the Member State concerned;	<del>(a) to support the implementation of a relevant country-specific recommendation adopted in accordance with Article 121(2) TFEU and of a relevant Council recommendation adopted in accordance with Article 148(4) TFEU, addressed to the Member State concerned;</del>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	II-59	350
(b) to support the implementation of relevant Council Recommendations addressed to the Member State concerned and adopted in accordance with Articles 7(2) or 8(2) of Regulation (EU) No 1176/2011 <sup>66</sup> of the European Parliament and of the Council provided that these amendments are deemed necessary to help correct the macro-economic imbalances.	<del>(b) to support the implementation of relevant Council Recommendations addressed to the Member State concerned and adopted in accordance with Articles 7(2) or 8(2) of Regulation (EU) No 1176/2011<sup>67</sup> of the European Parliament and of the Council provided that these amendments are deemed necessary to help correct the macro-economic imbalances.</del>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	II-60	351
2. A request by the Commission to a Member State in accordance with paragraph 1 shall be justified, with reference to the need to support the	<del>2. A request by the Commission to a Member State in accordance with paragraph 1 shall be justified, with reference to the need to support the</del>	<i>[no change]</i>	<i>Provisional common understanding</i>  2. A request by the Commission to a Member State in accordance with paragraph 1 shall be justified, with	II-61	352

<sup>66</sup> Regulation (EU) No 1176/2011 of the European Parliament and of the Council of 16 November 2011 on the prevention and correction of macroeconomic imbalances (OJ L 306, 23.11.2011, p. 25).

<sup>67</sup> Regulation (EU) No 1176/2011 of the European Parliament and of the Council of 16 November 2011 on the prevention and correction of macroeconomic imbalances (OJ L 306, 23.11.2011, p. 25).

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
implementation of the relevant recommendations and shall indicate the programmes or priorities which it considers are concerned and the nature of the amendments expected.	<del>implementation of the relevant recommendations and shall indicate the programmes or priorities which it considers are concerned and the nature of the amendments expected.</del>		reference to the need to support the implementation of the relevant recommendations and shall indicate the programmes or priorities which it considers are concerned and the nature of the amendments expected. <b>Such a request shall not be made before 2023 and after 2026, nor in relation to the same programmes in two consecutive years.</b>		
3. The Member State shall submit its response to the request referred to in paragraph 1 within two months of its receipt, setting out the amendments it considers necessary in the relevant programmes, the reasons for such amendments, identifying the programmes concerned and outlining the nature of the amendments proposed and their expected effects on the implementation of recommendations and on the implementation of the Funds. If necessary, the Commission shall make observations within one month of the receipt of that response.	<del>3. The Member State shall submit its response to the request referred to in paragraph 1 within two months of its receipt, setting out the amendments it considers necessary in the relevant programmes, the reasons for such amendments, identifying the programmes concerned and outlining the nature of the amendments proposed and their expected effects on the implementation of recommendations and on the implementation of the Funds. If necessary, the Commission shall make observations within one month of the receipt of that response.</del>	[no change]	Provisional common understanding  [no change]	II-62	353
4. The Member State shall submit a proposal to amend the relevant programmes within two months of the date of submission of the response referred to in paragraph 3.	<del>4. The Member State shall submit a proposal to amend the relevant programmes within two months of the date of submission of the response referred to in paragraph 3.</del>	[no change]	Provisional common understanding  [no change]	II-63	354
5. Where the Commission has not submitted observations or where it is satisfied that any observations submitted	<del>5. Where the Commission has not submitted observations or where it is satisfied that any observations submitted</del>	[no change]	Provisional common understanding  [no change]	II-64	355

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
have been duly taken into account, it shall adopt a decision approving the amendments to the relevant programmes in accordance with the time limit set out in Article [19(4)].	<del>have been duly taken into account, it shall adopt a decision approving the amendments to the relevant programmes in accordance with the time limit set out in Article [19(4)].</del>				
6. Where the Member State fails to take effective action in response to a request made in accordance with paragraph 1, within the deadlines set out in paragraphs 3 and 4, the Commission may suspend all or part of the payments for the programmes or priorities concerned in accordance with Article 91.	<del>6. Where the Member State fails to take effective action in response to a request made in accordance with paragraph 1, within the deadlines set out in paragraphs 3 and 4, the Commission may suspend all or part of the payments for the programmes or priorities concerned in accordance with Article 91.</del>	6. Where the Member State fails to take effective action in response to a request made in accordance with paragraph 1, within the deadlines set out in paragraphs 3 and 4, the Commission may suspend all or part of the payments for the programmes or priorities concerned in accordance with Article 91, <b>within three months, following its observations under paragraph 3 or following the submission of the proposal of the Member State under paragraph 4, propose to the Council that it suspend part or all of the payments for the programmes or priorities concerned. In its proposal, the Commission shall set out the grounds for concluding that the Member State has failed to take effective action. In making its proposal, the Commission shall take account of all relevant information, and shall give due consideration to any elements arising from and opinions expressed through the structured dialogue under paragraph 12.</b>	<i>Provisional common understanding</i>  6. Where the Member State fails to take effective action in response to a request made in accordance with paragraph 1, within the deadlines set out in paragraphs 3 and 4, the Commission may suspend all or part of the payments for the programmes or priorities concerned in accordance with Article 91, <b>within three months, following its observations under paragraph 3 or following the submission of the proposal of the Member State under paragraph 4, propose to the Council that it suspend part or all of the payments for the programmes or priorities concerned. In its proposal, the Commission shall set out the grounds for concluding that the Member State has failed to take effective action. In making its proposal, the Commission shall take account of all relevant information, and shall give due consideration to any elements arising from and opinions expressed through the structured dialogue under paragraph 12.</b>	II-65	356

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		<b>The Council shall decide on that proposal, by means of an implementing act. That implementing act shall only apply with respect to requests for payment submitted after the date of the adoption of that implementing act.</b>	<i>Provisional common understanding</i>  <b>The Council shall decide on that proposal, by means of an implementing act. That implementing act shall only apply with respect to requests for payment submitted after the date of the adoption of that implementing act.</b>	II-65a	357
7. The Commission shall make a proposal to the Council to suspend all or part of the commitments or payments for one or more of the programmes of a Member State in the following cases:	<del>7. The Commission shall make a proposal to the Council to suspend all or part of the commitments or payments for one or more of the programmes of a Member State in the following cases:</del>	<i>[no change]</i>	<i>Provisional common understanding</i>  7. The Commission shall make a proposal to the Council to suspend all or part of the commitments or payments for one or more of the programmes of a Member State <del>in the following cases:</del> (a) where the Council decides in accordance with Article 126(8) or Article 126(11) TFEU that a Member State has not taken effective action to correct its excessive deficit, <b>unless it has determined the existence of a severe economic downturn for the Union as a whole in the sense of Articles 3 (5) and 5 (2) of Regulation 1467/97;</b>	II-66	358
(a) where the Council decides in accordance with Article 126(8) or Article 126(11) TFEU that a Member State has not taken effective action to correct its excessive deficit;	<del>(a) where the Council decides in accordance with Article 126(8) or Article 126(11) TFEU that a Member State has not taken effective action to correct its excessive deficit;</del>	<i>[no change]</i>	<i>Provisional common understanding</i>  <b>7bis. The Commission may make a proposal to the Council to suspend all or part of the commitments or payments for one or more of the programmes of a Member State in the</b>	II-67	359

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<b>following cases:</b>		
(b) where the Council adopts two successive recommendations in the same imbalance procedure, in accordance with Article 8(3) of Regulation (EU) No 1176/2011 of the European Parliament and of the Council <sup>68</sup> on the grounds that a Member State has submitted an insufficient corrective action plan;	<del>(b) where the Council adopts two successive recommendations in the same imbalance procedure, in accordance with Article 8(3) of Regulation (EU) No 1176/2011 of the European Parliament and of the Council<sup>69</sup> on the grounds that a Member State has submitted an insufficient corrective action plan;</del>	[no change]	Provisional common understanding  (a <del>b</del> ) where the Council adopts two successive recommendations in the same imbalance procedure, in accordance with Article 8(3) of Regulation (EU) No 1176/2011 of the European Parliament and of the Council <sup>70</sup> on the grounds that a Member State has submitted an insufficient corrective action plan;	II-68	360
(c) where the Council adopts two successive decisions in the same imbalance procedure in accordance with Article 10(4) of Regulation (EU) No 1176/2011 establishing non-compliance by a Member State on the grounds that it has not taken the recommended corrective action;	<del>(c) where the Council adopts two successive decisions in the same imbalance procedure in accordance with Article 10(4) of Regulation (EU) No 1176/2011 establishing non-compliance by a Member State on the grounds that it has not taken the recommended corrective action;</del>	[no change]	Provisional common understanding  (b <del>e</del> ) where the Council adopts two successive decisions in the same imbalance procedure in accordance with Article 10(4) of Regulation (EU) No 1176/2011 establishing non-compliance by a Member State on the grounds that it has not taken the recommended corrective action;	II-69	361
(d) where the Commission concludes that a Member State has not taken measures as	<del>(d) where the Commission concludes that a Member State has not taken measures</del>	[no change]	Provisional common understanding  (c <del>d</del> ) where the Commission concludes	II-70	362

<sup>68</sup> Regulation (EU) No 1176/2011 of the European Parliament and of the Council of 16 November 2011 on the prevention and correction of macroeconomic imbalances (OJ L 306, 23.11.2011, p. 25).

<sup>69</sup> Regulation (EU) No 1176/2011 of the European Parliament and of the Council of 16 November 2011 on the prevention and correction of macroeconomic imbalances (OJ L 306, 23.11.2011, p. 25).

<sup>70</sup> Regulation (EU) No 1176/2011 of the European Parliament and of the Council of 16 November 2011 on the prevention and correction of macroeconomic imbalances (OJ L 306, 23.11.2011, p. 25).



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
referred to in Council Regulation (EC) No 332/2002 <sup>71</sup> and as a consequence decides not to authorise the disbursement of the financial assistance granted to that Member State;	<del>as referred to in Council Regulation (EC) No 332/2002<sup>72</sup> and as a consequence decides not to authorise the disbursement of the financial assistance granted to that Member State;</del>		that a Member State has not taken measures as referred to in Council Regulation (EC) No 332/2002 <sup>73</sup> and as a consequence decides not to authorise the disbursement of the financial assistance granted to that Member State;		
(e) where the Council decides that a Member State does not comply with the macro-economic adjustment programme referred to in Article 7 of Regulation (EU) No 472/2013 of the European Parliament and of the Council <sup>74</sup> , or with the measures requested by a Council decision adopted in accordance with Article 136(1) TFEU.	<del>(e) where the Council decides that a Member State does not comply with the macro-economic adjustment programme referred to in Article 7 of Regulation (EU) No 472/2013 of the European Parliament and of the Council<sup>75</sup>, or with the measures requested by a Council decision adopted in accordance with Article 136(1) TFEU.</del>	[no change]	Provisional common understanding  ( <del>d</del> e) where the Council decides that a Member State does not comply with the macro-economic adjustment programme referred to in Article 7 of Regulation (EU) No 472/2013 of the European Parliament and of the Council <sup>76</sup> , or with the measures requested by a Council decision adopted in accordance with Article 136(1) TFEU.	II-71	363
Priority shall be given to the suspension of commitments; payments shall be suspended only when immediate action is sought and in the case of significant non-	<del>Priority shall be given to the suspension of commitments; payments shall be suspended only when immediate action is sought and in the case of significant non-</del>	[no change]	Provisional common understanding  <b>7ter.</b> Priority shall be given to the suspension of commitments; payments	II-72	364

<sup>71</sup> Council Regulation (EC) No 332/2002 of 18 February 2002 establishing a facility providing medium-term financial assistance for Member States' balances of payments (OJ L 53, 23.2.2002).

<sup>72</sup> Council Regulation (EC) No 332/2002 of 18 February 2002 establishing a facility providing medium-term financial assistance for Member States' balances of payments (OJ L 53, 23.2.2002).

<sup>73</sup> Council Regulation (EC) No 332/2002 of 18 February 2002 establishing a facility providing medium-term financial assistance for Member States' balances of payments (OJ L 53, 23.2.2002).

<sup>74</sup> Regulation (EU) No 472/2013 of the European Parliament and of the Council of 21 May 2013 on the strengthening of economic and budgetary surveillance of Member States in the euro area experiencing or threatened with serious difficulties with respect to their financial stability (OJ L 140, 27.5.2013, p. 1).

<sup>75</sup> Regulation (EU) No 472/2013 of the European Parliament and of the Council of 21 May 2013 on the strengthening of economic and budgetary surveillance of Member States in the euro area experiencing or threatened with serious difficulties with respect to their financial stability (OJ L 140, 27.5.2013, p. 1).

<sup>76</sup> Regulation (EU) No 472/2013 of the European Parliament and of the Council of 21 May 2013 on the strengthening of economic and budgetary surveillance of Member States in the euro area experiencing or threatened with serious difficulties with respect to their financial stability (OJ L 140, 27.5.2013, p. 1).

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
compliance. The suspension of payments shall apply to payment applications submitted for the programmes concerned after the date of the decision to suspend.	<del>compliance. The suspension of payments shall apply to payment applications submitted for the programmes concerned after the date of the decision to suspend.</del>		shall be suspended only when immediate action is sought and in the case of significant non-compliance. The suspension of payments shall apply to payment applications submitted for the programmes concerned after the date of the decision to suspend.		
The Commission may, on grounds of exceptional economic circumstances or following a reasoned request by the Member State concerned addressed to the Commission within 10 days of adoption of the decision or recommendation referred to in the previous sub-paragraph, recommend that the Council cancel the suspension referred to in the same sub-paragraph.	<del>The Commission may, on grounds of exceptional economic circumstances or following a reasoned request by the Member State concerned addressed to the Commission within 10 days of adoption of the decision or recommendation referred to in the previous sub-paragraph, recommend that the Council cancel the suspension referred to in the same sub-paragraph.</del>	<del>The Commission may, on grounds of exceptional economic circumstances or following a reasoned request by the Member State concerned addressed to the Commission within 10 days of adoption of the decision or recommendation referred to in the previous sub-paragraph, recommend that the Council cancel the suspension referred to in the same sub-paragraph.</del>	<i>Provisional common understanding</i>  <del>The Commission may, on grounds of exceptional economic circumstances or following a reasoned request by the Member State concerned addressed to the Commission within 10 days of adoption of the decision or recommendation referred to in the previous sub-paragraph, recommend that the Council cancel the suspension referred to in the same sub-paragraph.</del>	II-73	365
8. A proposal by the Commission for the suspension of commitments shall be deemed adopted by the Council unless the Council decides, by means of an implementing act, to reject such a proposal by qualified majority within one month of the submission of the Commission proposal.	<del>8. A proposal by the Commission for the suspension of commitments shall be deemed adopted by the Council unless the Council decides, by means of an implementing act, to reject such a proposal by qualified majority within one month of the submission of the Commission proposal.</del>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	II-74	366
The suspension of commitments shall apply to the commitments from the Funds for the Member State concerned from 1 January of the year following the decision to suspend.	<del>The suspension of commitments shall apply to the commitments from the Funds for the Member State concerned from 1 January of the year following the decision to suspend.</del>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	II-75	367

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
The Council shall adopt a decision, by means of an implementing act, on a proposal by the Commission referred to in paragraph 7 in relation to the suspension of payments.	<del>The Council shall adopt a decision, by means of an implementing act, on a proposal by the Commission referred to in paragraph 7 in relation to the suspension of payments.</del>	[no change]	<i>Provisional common understanding</i>  The Council shall adopt a decision, by means of an implementing act, on a proposal by the Commission referred to in paragraphs 7 and 7bis in relation to the suspension of payments.	II-76	368
9. The scope and level of the suspension of commitments or payments to be imposed shall be proportionate, shall respect the equality of treatment between Member States and shall take into account the economic and social circumstances of the Member State concerned, in particular the level of unemployment, the level of poverty or social exclusion of the Member State concerned in relation to the Union average and the impact of the suspension on the economy of the Member State concerned. The impact of suspensions on programmes of critical importance to address adverse economic or social conditions shall be a specific factor to be taken into account.	<del>9. The scope and level of the suspension of commitments or payments to be imposed shall be proportionate, shall respect the equality of treatment between Member States and shall take into account the economic and social circumstances of the Member State concerned, in particular the level of unemployment, the level of poverty or social exclusion of the Member State concerned in relation to the Union average and the impact of the suspension on the economy of the Member State concerned. The impact of suspensions on programmes of critical importance to address adverse economic or social conditions shall be a specific factor to be taken into account.</del>	[no change]	<i>Provisional common understanding</i>  [no change]	II-77	369
10. The suspension of commitments shall be subject to a maximum of 25 % of the commitments relating to the next calendar year for the Funds or 0,25 % of nominal GDP whichever is lower, in any of the following cases:	<del>10. The suspension of commitments shall be subject to a maximum of 25 % of the commitments relating to the next calendar year for the Funds or 0,25 % of nominal GDP whichever is lower, in any of the following cases:</del>	[no change]	<i>Provisional common understanding</i>  [no change]	II-78	370
(a) in the first case of non-compliance with an excessive deficit procedure as referred	<del>(a) in the first case of non-compliance with an excessive deficit procedure as</del>	[no change]	<i>Provisional common understanding</i>	II-79	371

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
to under point (a) of paragraph 7;;	<del>referred to under point (a) of paragraph 7;;</del>		(a) in the first case of non-compliance with an excessive deficit procedure as referred to under <del>point (a) of</del> paragraph 7;		
(b) in the first case of non-compliance relating to a corrective action plan under an excessive imbalance procedure as referred to under point b of paragraph 7;	<del>(b) in the first case of non-compliance relating to a corrective action plan under an excessive imbalance procedure as referred to under point b of paragraph 7;</del>	[no change]	Provisional common understanding  (b) in the first case of non-compliance relating to a corrective action plan under an excessive imbalance procedure as referred to under point <del>b-a</del> of paragraph 7 <b>bis</b> ;	II-80	372
(c) in case of non-compliance with the recommended corrective action pursuant to an excessive imbalance procedure as referred to under point (c) of paragraph 7;	<del>(c) in case of non-compliance with the recommended corrective action pursuant to an excessive imbalance procedure as referred to under point (c) of paragraph 7;</del>	[no change]	Provisional common understanding  (c) in case of non-compliance with the recommended corrective action pursuant to an excessive imbalance procedure as referred to under point ( <del>be</del> ) of paragraph 7 <b>bis</b> ;	II-81	373
(d) in the first case of non-compliance as referred to under points (d) and (e) of paragraph 7.	<del>(d) in the first case of non-compliance as referred to under points (d) and (e) of paragraph 7.</del>	[no change]	Provisional common understanding  (d) in the first case of non-compliance as referred to under points ( <del>cd</del> ) and ( <del>de</del> ) of paragraph 7 <b>bis</b> .	II-82	374
In case of persistent non-compliance, the suspension of commitments may exceed the maximum percentages set out in the first sub-paragraph.	<del>In case of persistent non-compliance, the suspension of commitments may exceed the maximum percentages set out in the first sub-paragraph.</del>	[no change]	Provisional common understanding  [no change]	II-83	375
11. The Council shall lift the suspension of commitments on a proposal from the Commission, in accordance with the procedure set out in paragraph 8, in the	<del>11. The Council shall lift the suspension of commitments on a proposal from the Commission, in accordance with the procedure set out in paragraph 8, in the</del>	[no change]	Provisional common understanding  [no change]	II-84	376

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
following cases:	<del>following cases:</del>				
(a) where the excessive deficit procedure is held in abeyance in accordance with Article 9 of Council Regulation (EC) No 1467/97 <sup>77</sup> or the Council has decided in accordance with Article 126(12) TFEU to abrogate the decision on the existence of an excessive deficit;	<del>(a) where the excessive deficit procedure is held in abeyance in accordance with Article 9 of Council Regulation (EC) No 1467/97<sup>78</sup> or the Council has decided in accordance with Article 126(12) TFEU to abrogate the decision on the existence of an excessive deficit;</del>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	II-85	377
(b) where the Council has endorsed the corrective action plan submitted by the Member State concerned in accordance with Article 8(2) of Regulation (EU) No 1176/2011 or the excessive imbalance procedure is placed in a position of abeyance in accordance with Article 10(5) of that Regulation or the Council has closed the excessive imbalance procedure in accordance with Article 11 of that Regulation;	<del>(b) where the Council has endorsed the corrective action plan submitted by the Member State concerned in accordance with Article 8(2) of Regulation (EU) No 1176/2011 or the excessive imbalance procedure is placed in a position of abeyance in accordance with Article 10(5) of that Regulation or the Council has closed the excessive imbalance procedure in accordance with Article 11 of that Regulation;</del>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	II-86	378
(c) where the Commission has concluded that a Member State has taken appropriate measures as referred to in Regulation (EC) No 332/2002;	<del>(c) where the Commission has concluded that a Member State has taken appropriate measures as referred to in Regulation (EC) No 332/2002;</del>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	II-87	379
(d) where the Commission has concluded that the Member State concerned has taken appropriate measures to implement the adjustment programme referred to in Article 7 of Regulation (EU) No 472/2013 or the measures requested by a decision of	<del>(d) where the Commission has concluded that the Member State concerned has taken appropriate measures to implement the adjustment programme referred to in Article 7 of Regulation (EU) No 472/2013 or the measures requested by a</del>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	II-88	380

<sup>77</sup> Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure (OJ L 209, 2.8.1997, p. 6).

<sup>78</sup> Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure (OJ L 209, 2.8.1997, p. 6).

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
the Council in accordance with Article 136(1) TFEU.	<del>decision of the Council in accordance with Article 136(1) TFEU.</del>				
After the Council has lifted the suspension of commitments, the Commission shall re-budget the suspended commitments in accordance with Article [8] of Council Regulation (EU, Euratom) [ [...] (MFF regulation)].	<del>After the Council has lifted the suspension of commitments, the Commission shall re-budget the suspended commitments in accordance with Article [8] of Council Regulation (EU, Euratom) [ [...] (MFF regulation)].</del>	[no change]	Provisional common understanding  [no change]	II-89	381
Suspended commitments may not be re-budgeted beyond the year 2027.	<del>Suspended commitments may not be re-budgeted beyond the year 2027.</del>	[no change]	Provisional common understanding  [no change]	II-90	382
The decommitment time limit for the re-budgeted amount in accordance with Article 99 shall start from the year in which the suspended commitment has been re-budgeted.	<del>The decommitment time limit for the re-budgeted amount in accordance with Article 99 shall start from the year in which the suspended commitment has been re-budgeted.</del>	[no change]	Provisional common understanding  [no change]	II-91	383
A decision concerning the lifting of the suspension of payments shall be taken by the Council on a proposal by the Commission where the applicable conditions set out in in the first subparagraph are fulfilled.	<del>A decision concerning the lifting of the suspension of payments shall be taken by the Council on a proposal by the Commission where the applicable conditions set out in in the first subparagraph are fulfilled.</del>	[no change]	Provisional common understanding  [no change]	II-92	384
12. The Commission shall keep the European Parliament informed of the implementation of this Article. In particular, the Commission shall, when one of the conditions set out in paragraph 7 is fulfilled for a Member State, immediately inform the European Parliament and provide details of the Funds and programmes which could be	<del>12. The Commission shall keep the European Parliament informed of the implementation of this Article. In particular, the Commission shall, when one of the conditions set out in paragraph 7 is fulfilled for a Member State, immediately inform the European Parliament and provide details of the Funds and programmes which could be</del>	[no change]	Provisional common understanding  12. The Commission shall keep the European Parliament informed of the implementation of this Article. In particular, the Commission shall, when one of the conditions set out in paragraph <b>6, 7 or 7bis are</b> is fulfilled for a Member State, immediately inform the European Parliament and provide details of the	II-93	385

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
subject to a suspension of commitments.	<del>subject to a suspension of commitments.</del>		Funds and programmes which could be subject to a suspension of commitments.		
The European Parliament may invite the Commission for a structured dialogue on the application of this Article, having regard to the transmission of the information referred to in the first sub-paragraph.	<del>The European Parliament may invite the Commission for a structured dialogue on the application of this Article, having regard to the transmission of the information referred to in the first sub-paragraph.</del>	[no change]	Provisional common understanding  [no change]	II-94	386
The Commission shall transmit the proposal for suspension of commitments or the proposal to lift such a suspension, to the European Parliament and to the Council.	<del>The Commission shall transmit the proposal for suspension of commitments or the proposal to lift such a suspension, to the European Parliament and to the Council.</del>	[no change]	Provisional common understanding  The Commission shall transmit the proposal for suspension of commitments or the proposal to lift such a suspension, to the European Parliament and to the Council <b>immediately after its adoption. The European Parliament may invite the Commission to explain the reasons for its proposal.</b>	II-95	387
			Provisional common understanding  <b>12a. In 2025, the Commission shall carry out a review of the application of this Article. To this end, the Commission shall prepare a report which it shall transmit to the European Parliament and the Council, accompanied where necessary by a legislative proposal.</b>		387a
13. Paragraphs 1 to 12 shall not apply to priorities or programmes under Article 4(c)(v)(ii) of ESF+ Regulation.	<del>13. Paragraphs 1 to 12 shall not apply to priorities or programmes under Article 4(c)(v)(ii) of ESF+ Regulation.</del>	[no change]	Provisional common understanding  13. Paragraphs 1 to 12 shall not apply to priorities or programmes under <del>Article 4(1)(xi) [4(c)(v)(ii)]</del> of the ESF+ Regulation <b>and the Interreg</b>	II-96	388

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<b>Regulation.</b>		
			<i>Provisional common understanding</i> <b>13bis. Where there are major changes in the social and economic situation in the Union, the Commission may submit a proposal to review the application of this Article, or the European Parliament or the Council, acting in accordance with Articles 225 or 241 TFEU respectively, may request the Commission to submit such a proposal.</b>		388a
<b>Article 15a</b> <b>Temporary measures for the use of the Funds in response to exceptional and unusual circumstances</b>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IX-145	389
<b>Where the Council after [date of entry into force of this Regulation], has recognised the occurrence of an unusual event outside the control of one or more Member States, which has a major impact on the financial position of the general government or a severe economic downturn for the euro area or the Union as a whole as referred to in the tenth subparagraph of Article 5(1), the fourth subparagraph of Article 6(3), the tenth subparagraph of Article 9(1)</b>	<b>1.</b> Where the Council after [date of entry into force of this Regulation], has recognised the occurrence of an unusual event outside the control of one or more Member States, which has a major impact on the financial position of the <del>general</del> government <b>of a Member State</b> or a severe economic downturn for the euro area or the Union as a whole as referred to in the tenth subparagraph of Article 5(1), the fourth subparagraph of Article 6(3), the tenth subparagraph of Article	<b>1.</b> Where the Council after [date of entry into force of this Regulation], has recognised the occurrence of an unusual event outside the control of one or more Member States, which has a major impact on the financial position of the general government or a severe economic downturn for the euro area or the Union as a whole as referred to in the tenth subparagraph of Article 5(1), the fourth subparagraph of Article 6(3), the tenth subparagraph of Article 9(1) and the	<i>Provisional common understanding</i>  <b>1.</b> Where the Council after [date of entry into force of this Regulation], has recognised the occurrence of an unusual event outside the control of one or more Member States, which has a major impact on the financial position of the general government or a severe economic downturn for the euro area or the Union as a whole as referred to in the tenth subparagraph of Article 5(1), the fourth subparagraph of Article 6(3), the	IX-146	390



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
<b>and the fourth subparagraph of Article 10(3) of Regulation (EC) No 1466/97(*)<sup>79</sup> or the occurrence of unexpected adverse economic events with major unfavourable consequences for government finances as referred to in Articles 3(5) and 5(2) of Regulation (EC) No 1467/97, the Commission may, by way of an implementing decision and for the period defined in that decision:</b>	9(1) and the fourth subparagraph of Article 10(3) of Regulation (EC) No 1466/97(*) <sup>80</sup> or the occurrence of unexpected adverse economic events with major unfavourable consequences for government finances as referred to in Articles 3(5) and 5(2) of Regulation (EC) No 1467/97, the Commission may, by way means of an implementing decision and for the a period defined in that decision of maximum 12 months:	fourth subparagraph of Article 10(3) of Regulation (EC) No 1466/97(*) <sup>81</sup> or the occurrence of unexpected adverse economic events with major unfavourable consequences for government finances as referred to in Articles 3(5) and 5(2) of Regulation (EC) No 1467/97, the Commission may, <b>on the request of one or more Member States concerned, adopt</b> by way of an implementing decision and for the period defined in that decision <b>one or more of the following measures provided that they are strictly necessary to respond to such exceptional or unusual circumstances:</b>	tenth subparagraph of Article 9(1) and the fourth subparagraph of Article 10(3) of Regulation (EC) No 1466/97(*) <sup>82</sup> or the occurrence of unexpected adverse economic events with major unfavourable consequences for government finances as referred to in Articles 3(5) and 5(2) of Regulation (EC) No 1467/97, the Commission may, by way means of an implementing decision and for the a period defined in that decision of a maximum of 18 months, <b>adopt one or more of the following measures provided that they are strictly necessary to respond to such exceptional or unusual circumstances:</b>		
<b>(a) on request of a Member State increase interim payments by 10 percentage points above the co-financing rate applicable, not exceeding 100%, by way of derogation from Article 106(3) and Article 106(4);</b>	[no change]	<del>(a) on request of a Member State</del> increase interim payments by 10 percentage points above the co-financing rate applicable, not exceeding 100%, by way of derogation from Article 106(3) and Article 106(4);	Provisional common understanding  (a) on request of a <b>one or more</b> Member States <b>concerned</b> , increase interim payments by 10 percentage points above the co-financing rate applicable, not exceeding 100%, by way of derogation from Article 106(3) and Article 106(4);	IX-147	391
<b>(b) allow the authorities of a Member</b>	(b) allow the authorities of a Member	[no change]	Provisional common understanding	IX-148	392

<sup>79</sup> (\*) Council Regulation (EC) No 1466/97 of 7 July 1997 on the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies (OJ L 209, 2.8.1997, p. 1).

<sup>80</sup> (\*) Council Regulation (EC) No 1466/97 of 7 July 1997 on the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies (OJ L 209, 2.8.1997, p. 1).

<sup>81</sup> (\*) Council Regulation (EC) No 1466/97 of 7 July 1997 on the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies (OJ L 209, 2.8.1997, p. 1).

<sup>82</sup> (\*) Council Regulation (EC) No 1466/97 of 7 July 1997 on the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies (OJ L 209, 2.8.1997, p. 1).

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
<b>State to select for support operations that have been physically completed or fully implemented before the application for the funding under the programme is submitted to the managing authority, by way of derogation from Article 57(6), provided that the operation is in response to the exceptional circumstances;</b>	State to select for support operations that have been physically completed or fully implemented before the application for the funding under the programme is <i>duly</i> submitted to the managing authority, by way of derogation from Article 57(6), provided that the operation is in response to the exceptional circumstances;		(b) allow the authorities of a Member State to select for support operations that have been physically completed or fully implemented before the application for the funding under the programme is <i>duly</i> submitted to the managing authority, by way of derogation from Article 57(6), provided that the operation is in response to the exceptional circumstances;		
<b>(c) provide that expenditure for operations in response to such circumstances may be eligible from the date on which the Council endorsed the occurrence of those circumstances, by way of derogation from Article 57(7);</b>	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	IX-149	393
<b>(d) extend the deadlines for the submission of documents and submission of data to the Commission by up to 3 months, by way of derogation from Article 36(5), Article 37(1), Article 39(2) and the first subparagraph of Article 44(3).</b>	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	IX-150	394
	<i>(da) without prejudice to Article 21, paragraph 1, upon a reasoned request of a Member State allow an additional transfer of up to 5% in total of the initial national allocation by Fund between the ERDF, the ESF+ or the Cohesion Fund within the Member State's global resources under the Investment for jobs and growth goal.</i>		Provisional common understanding  <i>[EP amendment withdrawn]</i>	IX-151  <i>Link to IX-137</i>	395
	<b>2. The Commission shall keep the</b>	<b>2. The Commission shall monitor the</b>	Provisional common understanding	IX-152	396

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>European Parliament informed of the implementation of this Article. When the conditions set out in paragraph 1 of the first subparagraph are fulfilled, the Commission shall immediately inform the European Parliament whether it intends to adopt the implementing decision referred to in that paragraph.</i>	<b>implementation of the measures adopted under paragraph 1 and assess whether they are sufficient for facilitating the use of the Funds in response to the exceptional and unusual circumstances. On the basis of its assessment, the Commission shall, where deemed appropriate, make proposals for amendments to this Regulation.</b>	<p><i>2. The Commission shall keep the European Parliament and the Council informed of the implementation of this Article. When the conditions set out in paragraph 1 of the first subparagraph are fulfilled, the Commission shall immediately inform the European Parliament and the Council on its assessment of the situation and its envisaged follow-up.</i></p> <p><i>Comment at trilogue on 01/12: The Commission will issue a statement on Article 15a(2).</i></p>		
	<i>3. The European Parliament may invite the Commission for a structured dialogue on the application of this Article. When adopting the implementing decision, the Commission shall give due consideration to positions taken and views expressed by the EP through the structured dialogue.</i>		<p><i>Provisional common understanding</i></p> <p><i>3. The European Parliament or the Council may invite the Commission for a structured dialogue on the application of this Article. When assessing the situation and envisaging follow-up, the Commission shall give due consideration to the positions taken and views expressed through the structured dialogue.</i></p> <p><i>Comment at trilogue on 01/12: The Commission will issue a statement on Article 15a(3).</i></p>	IX-153	397
	<i>4. The measures adopted under paragraph 1 shall remain into force for a period not exceeding twelve months. If after this period the specific circumstances that led to the adoption of</i>		<p><i>Provisional common understanding</i></p> <p><i>4. The measures adopted under paragraph 1 shall remain into force for a period not exceeding eighteen months.</i></p>	IX-154	398

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>these temporary measures persist, the Commission shall reassess the situation and put forward a legislative proposal, as appropriate, amending this Regulation, providing for the necessary flexibility to address these circumstances.</i>		<i>If after this period the specific circumstances that led to the adoption of these temporary measures persist, the Commission shall reassess the situation and put forward a legislative proposal, as appropriate, amending this Regulation, providing for the necessary flexibility to address these circumstances.</i>		
	<b>5. The Commission shall notify the European Parliament and the Council of the implementing decision adopted under paragraph 1 without delay, at the latest within two working days of its adoption.</b>		Provisional common understanding  <b>5. The Commission shall inform the European Parliament and the Council of the implementing decision adopted under paragraph 1 without delay, at the latest within two working days of its adoption.</b>	IX-155	399
TITLE III PROGRAMMING	[no change]	[no change]	Provisional common understanding  [no change]	I-82	400
CHAPTER I General provisions on the Funds	[no change]	[no change]	Provisional common understanding  [no change]	I-83	401
<i>Article 16 Preparation and submission of programmes</i>	[no change]	[no change]	Provisional common understanding  [no change]	I-84  <i>Link to recital (46)</i>	402
1. Member States shall prepare programmes to implement the Funds for the period from 1 January 2021 to 31 December 2027.	<u>Amendment 140</u>  1. Member States <b>in cooperation with the partners referred to in Article 6</b> shall	[no change]	Provisional common understanding  1. Member States shall prepare programmes to implement the Funds for	I-85	403

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	prepare programmes to implement the Funds for the period from 1 January 2021 to 31 December 2027.		the period from 1 January 2021 to 31 December 2027. <b><i>This shall be done in cooperation with the partners referred to in Article 6.</i></b>		
2. Member States shall submit programmes to the Commission no later than 3 months after the submission of the Partnership Agreement.	<i>[no change]</i>	2. Member States shall submit programmes to the Commission no later than 3 months after the submission of the Partnership Agreement <b>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.</b>	<i>Provisional common understanding</i>  2. Member States shall submit programmes to the Commission no later than 3 months after the submission of the Partnership Agreement. <b>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.</b>	I-86	404
3. Member States shall prepare programmes in accordance with the programme template set out in Annex V.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-87	405
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.	<i>[no change]</i>	For the AMIF, the ISF and the BMVI, <del>the</del> Member States shall prepare programmes in accordance with the programme template set out in Annex VI.	<i>Provisional common understanding</i>  For the AMIF, the ISF and the BMVI, <del>the</del> Member States shall prepare programmes in accordance with the programme template set out in Annex VI.	I-88	406
			<i>Provisional common understanding</i>  <b><i>3a. Where an environmental report is prepared in accordance with Directive 2001/42/EC, it shall be published on the programme website referred to in</i></b>	I-88 BIS	407

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<b>Article 44(1) of this Regulation.</b>		
<i>Article 17</i> <i>Content of programmes</i>	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	I-89	408
1. Each programme shall set out a strategy for the programme's contribution to the policy objectives and the communication of its results.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	I-90F	409
1. Each programme shall set out a strategy for the programme's contribution to the policy objectives <b>or to the specific objective of the JTF</b> and the communication of its results.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	IX-54	410
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 <i>of</i> priorities. Each priority shall correspond to <del>a single</del> <b>one or several</b> policy objective <del>objectives</del> 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 <b>one or more</b> priorities. Each priority shall correspond to a single policy objective or to technical assistance <b>if it is implemented pursuant to Article 30(4) or Article 32 and may use support from one or more Funds</b> . 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.	Provisional common understanding  2. A programme shall consist of <b>one or more</b> priorities. Each priority shall correspond to a single policy objective or to technical assistance <b>if it is implemented pursuant to Article 30(4) or Article 32 and may use support from one or more Funds</b> . 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.	I-91F	411
2. A programme shall consist of priorities. Each priority shall correspond to a single policy objective <b>or to the specific objective of the JTF or</b> to technical	2. A programme shall consist of <b>one or more</b> priorities. Each priority shall correspond to a single policy objective, or to the specific objective of the JTF or to	2. A programme shall consist of <b>one or more</b> priorities. Each priority shall correspond to a single policy objective or to the specific objective of the JTF or to	Provisional common understanding  2. A programme shall consist of <b>one or more</b> priorities. Each priority shall correspond to a single policy objective,	IX-56	412

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
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 <b>or to the specific objective of the JTF.</b>	technical assistance <b>if it is implemented pursuant to Article 30(4) or Article 32. A priority may use support from one or more Funds unless it receives support from the JTF.</b> 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 or to the specific objective of the JTF.	technical assistance- <b>if it is implemented pursuant to Article 30(4) or Article 32 and may use support from one or more Funds.</b> 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 or to the specific objective of the JTF.	or to the specific objective of the JTF or to technical assistance <b>if it is implemented pursuant to Article 30(4) or Article 32. A priority may use support from one or more Funds unless it receives support from the JTF.</b> 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 or to the specific objective of the JTF.		
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>[no change]</i>	For programmes supported by the EMFF, each priority may correspond to one or more policy objectives. <del>Specific objectives correspond to areas of support as defined in Annex [III] to the EMFF Regulation.</del>	<i>Provisional common understanding</i>  For programmes supported by the EMFF, each priority may correspond to one or more policy objectives. <del>Specific objectives correspond to areas of support as defined in Annex [III] to the EMFF Regulation.</del>	I-92	413
For programmes supported by the AMIF, the ISF and the BMVI, a programme shall consist of specific objectives.	<i>[no change]</i>	For programmes supported by the AMIF, the ISF and the BMVI, a programme shall <b>use support from one Fund and</b> consist of specific objectives- <b>and of technical assistance specific objectives.</b>	<i>Provisional common understanding</i>  For programmes supported by the AMIF, the ISF and the BMVI, a programme shall <b>use support from one Fund and</b> consist of specific objectives- <b>and of technical assistance specific objectives.</b>	I-93	414
3. Each programme shall set out:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-94	415
(a) a summary of the main challenges, taking into account:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-95	416

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
(i) economic, social and territorial disparities, except for programmes supported by the EMFF;	<u>Amendment 142</u>  (i) economic, social and territorial disparities <b>as well as inequalities</b> , except for programmes supported by the EMFF;	[no change]	<i>Provisional common understanding</i>  (i) economic, social and territorial disparities <b>as well as inequalities</b> , except for programmes supported by the EMFF;	I-96	417
(ii) market failures, investment needs and complementarity with other forms of support;	<u>Amendment 143</u>  (ii) market failures, investment needs and complementarity <b>and synergies</b> with other forms of support;	(ii) market failures; <sub>2</sub>	<i>Provisional common understanding</i>  (ii) market failures; <sub>2</sub>	I-97	418
	[no change]	<b>(ii bis)</b> investment needs and complementarity with other forms of support;	<i>Provisional common understanding</i>  <b>(ii bis)</b> investment needs and complementarity <b>and synergies</b> with other forms of support;	I-98	419
(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 <b>the</b> relevant country-specific recommendations <del>and other relevant Union recommendations addressed to the Member State;</del>	(iii) challenges identified in relevant country-specific recommendations, <b>in relevant national or regional strategies of that Member State</b> , and, <b>for the AMIF, ISF and BMVI</b> , other relevant Union recommendations addressed to the Member State;	<i>Provisional common understanding</i>  (iii) challenges identified in relevant country-specific recommendations, <b>in relevant national or regional strategies of that Member State, including its National Energy and Climate Plan and in relation to the principles of the European Pillar of Social Rights,</b> and, <b>for the AMIF, ISF and BMVI</b> , other relevant Union recommendations addressed to the Member State;	I-99	420
(iv) challenges in administrative capacity and governance;	<u>Amendment 145</u>  (iv) challenges in administrative capacity and governance <b>and simplification measures</b> ;	[no change]	<i>Provisional common understanding</i>  (iv) challenges in administrative capacity and governance <b>and simplification measures</b> ;	I-100	421



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<u>Amendment 146</u>  <i>(iv a) an integrated approach to address demographic challenges, where relevant;</i>		<i>Provisional common understanding</i>  <b>(iv a) an integrated approach to address demographic challenges, where relevant;</b>	I-101	422
(v) lessons learnt from past experience;	<i>[no change]</i>	[no change]	<i>Provisional common understanding</i>  [no change]	I-102	423
(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	424
	<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>		<i>Provisional common understanding</i>  <i>[EP amendment withdrawn. See row 99.]</i>	I-104	425
(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, <b>as well as identified shortcomings;</b>	(vii) for programmes supported by the AMIF, the ISF and the BMVI, progress in implementing the relevant Union <i>acquis</i> and action plans <b>and a justification for the choice of specific objectives;</b>	<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 <b>and a justification for the choice of specific objectives;</b>	I-105	426
		<b>Points (i), (ii) and (vi) of paragraph 3(a) shall not apply to programmes supported by the AMIF, the ISF and the BMVI.</b>	<i>Provisional common understanding</i>  <b>Points (i), (ii) and (vi) of paragraph 3(a) shall not apply to programmes supported by the AMIF, the ISF and the BMVI.</b>	I-106	427

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
<b>(viii) in addition, for programmes supported by the JTF, transition challenges identified in the territorial just transition plans as set out in Article [7] of Regulation (EU) [JTF Regulation];</b>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IX-59	428
(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	429
(c) for each priority, except for technical assistance, specific objectives;	<i>[no change]</i>	(c) for each priority, except for technical assistance, specific objectives, <b>the types of intervention and an indicative breakdown of the programmed resources by type of intervention or area of support</b> <sup>83</sup> ;	<i>Provisional common understanding</i>  <i>[no change]</i>	I-108	430
(d) for each specific objective:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-109	431
(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 <b>a <i>an indicative list and timetable</i></b> of planned operations of strategic importance, and their expected contribution to those specific objectives and to macro-regional strategies and sea-	(i) the related types of actions, <del>including a list of planned operations of strategic importance,</del> and their expected contribution to those specific objectives and to macro-regional strategies and sea-basin strategies, where appropriate;	<i>Provisional common understanding</i>  (i) the related types of actions, <del>including a list of planned operations of strategic importance,</del> and their expected contribution to those specific objectives and to macro-regional strategies and sea-	I-110F	432

<sup>83</sup> Council position: **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 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	basin strategies, where appropriate;		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, to macro-regional strategies, sea-basin strategies, <b>and to territorial just transition plans as set out in Article [7] of Regulation (EU) [JTF Regulation] supported by the JTF</b> , where appropriate;	(i) the related types of actions, <del>including a list of planned operations of strategic importance</del> , and their expected contribution to those specific objectives, to macro-regional strategies, sea-basin strategies, and to territorial just transition plans as set out in Article [7] of Regulation (EU) [JTF Regulation] supported by the JTF, where appropriate;	(i) the related types of actions, <del>including a list of planned operations of strategic importance</del> , and their expected contribution to those specific objectives, to macro-regional strategies, sea-basin strategies, and to territorial just transition plans as set out in Article [7] of Regulation (EU) [JTF Regulation] supported by the JTF, where appropriate;	<i>Provisional common understanding</i>  (i) the related types of actions, <del>including a list of planned operations of strategic importance</del> , and their expected contribution to those specific objectives, to macro-regional strategies, sea-basin strategies, and to territorial just transition plans as set out in Article [7] of Regulation (EU) [JTF Regulation] supported by the JTF, where appropriate;	IX-62	433
(ii) output indicators and result indicators with the corresponding milestones and targets;	<i>[no change]</i>	[no change]	<i>Provisional common understanding</i>  [no change]	I-111	434
(iii) the main target groups;	<i>[no change]</i>	[no change]	<i>Provisional common understanding</i>  [no change]	I-112	435
	<u>Amendment 150</u>  <b><i>(iii a) actions safeguarding equality, inclusion and non-discrimination;</i></b>		<i>Provisional common understanding</i>  <b><i>(iii a) actions safeguarding equality, inclusion and non-discrimination;</i></b>	I-113	436
(iv) specific territories targeted, including the planned use of integrated territorial investment, community-led local development or other territorial tools;	<i>[no change]</i>	(iv) <b>indication of the</b> specific territories targeted, including the planned use of integrated territorial investment, community-led local development or other territorial tools;	<i>Provisional common understanding</i>  (iv) <b>indication of the</b> specific territories targeted, including the planned use of integrated territorial investment, community-led local development or other territorial tools;	I-114	437

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
(v) the interregional and transnational actions with beneficiaries located in at least one other Member State;	<u>Amendment 151</u>  (v) the interregional, <b>cross-border</b> 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 <b>or outside the Union, where relevant</b> ;	<i>Provisional common understanding</i>  (v) the interregional, <b>cross-border</b> and transnational actions with beneficiaries located in at least one other Member State <b>or outside the Union, where relevant</b> ;	I-115	438
	<u>Amendment 152</u>  <i>(va ) sustainability of investments;</i>		<i>Provisional common understanding</i>  <i>[EP AMD withdrawn]</i>	I-116	439
(vi) the planned use of financial instruments;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-117	440
		<b>(e) the planned use of technical assistance pursuant to Article 32 if applicable, and relevant types of intervention;</b>  <b>(e bis) for each priority on technical assistance implemented pursuant to Article 30(4):</b>  <b>(i) the related types of actions;</b>  <b>(ii) output indicators with the corresponding milestones and targets;</b>  <b>(iii) the main target groups;</b>  <b>(iv) the types of intervention and an indicative breakdown of the</b>	<i>Provisional common understanding</i>  <b>(e) the planned use of technical assistance pursuant to Article 32 if applicable, and relevant types of intervention;</b>  <b>(e bis) for each priority on technical assistance implemented pursuant to Article 30(4):</b>  <b>(i) the related types of actions;</b>  <b>(ii) output indicators with the corresponding milestones and targets;</b>  <b>(iii) the main target groups;</b>  <b>(iv) the types of intervention and an</b>	I-118	441

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		<b>programmed resources by type of intervention or area of support;</b>	<b>indicative breakdown of the programmed resources by type of intervention or area of support;</b>		
(vii) the types of intervention and an indicative breakdown of the programmed resources by type of intervention or area of support;	<i>[no change]</i>	<del>(vii) the types of intervention and an indicative breakdown of the programmed resources by type of intervention or area of support;</del>	Provisional common understanding  <i>[no change]</i>  <i>Comment: To be seen together with block 4 (when discussing eligibility issues of codes of intervention at specific objective level)</i>	I-119	442
	<u>Amendment 153</u>  <i>(vii a) a description of how complementarities and synergies with other Funds and instruments are to be pursued;</i>		Provisional common understanding  <i>[EP AMD withdrawn]</i>	I-120	443
<b>(viii) in addition, for the specific objective of the JTF, the justification of amounts transferred respectively from the ERDF and the ESF+ resources in accordance with Article 21a, as well as their breakdown by category of regions, reflecting the types of interventions planned in accordance with the territorial just transition plans set out in Article [7] of Regulation (EU) [JTF Regulation];</b>	(viii) in addition, for the specific objective of the JTF, the justification of amounts transferred <del>respectively</del> <b>on a voluntary basis</b> from the ERDF and the ESF+ resources in accordance with Article 21a, as well as their breakdown by category of regions, reflecting the types of interventions planned in accordance with the territorial just transition plans set out in Article [7] of Regulation (EU) [JTF Regulation];	<i>[no change]</i>	Provisional common understanding  (viii) in addition, for the specific objective of the JTF, the justification of amounts transferred <del>respectively</del> <b>on a voluntary basis</b> from the ERDF and the ESF+ resources in accordance with Article 21a, as well as their breakdown by category of regions, reflecting the types of interventions planned in accordance with the territorial just transition plans set out in Article [7] of Regulation (EU) [JTF Regulation];	IX-64	444
(e) the planned use of technical assistance in accordance with Articles 30 to 32 and relevant types of intervention;	<i>[no change]</i>	<del>(e) the planned use of technical assistance in accordance with Articles 30 to 32 and relevant types of intervention;</del>	Provisional common understanding  <del>(e) the planned use of technical</del>	I-121	445

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			assistance in accordance with Articles 30 to 32 and relevant types of intervention;		
(f) a financing plan containing:	[no change]	[no change]	Provisional common understanding  [no change]	I-122	446
(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;	[no change]	(i) a table specifying the total financial allocations for each of the Funds and for each category of region, <b>where applicable</b> , for the whole programming period and by year, including any amounts transferred pursuant to Article 21;	Provisional common understanding  (i) a table specifying the total financial allocations for each of the Funds, <b>and where applicable, for each category of region</b> , for the whole programming period and by year, including any amounts transferred pursuant to Article 21;	I-123F	447
(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 <b>or to Article 21a</b> ;	(i) a table specifying the total financial allocations for each of the Funds, <b>and where applicable, for each category of region</b> , for the whole programming period and by year, including any amounts transferred pursuant to Article 21 or to Article 21a;	(i) a table specifying the total financial allocations for each of the Funds and, <b>where applicable</b> , for each category of region for the whole programming period and by year, including any amounts transferred pursuant to Article 21 or to Article 21a;	Provisional common understanding  (i) a table specifying the total financial allocations for each of the Funds and, <b>where applicable</b> , for each category of region for the whole programming period and by year, including any amounts transferred pursuant to Article 21 or to Article 21a;	IX-66	448
(ii) 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;	[no change]	(ii) <b>for programmes supported by ERDF, ESF+ and the Cohesion Fund</b> , 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;	Provisional common understanding  (ii) <b>for programmes supported by ERDF, ESF+ and the Cohesion Fund</b> , 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;	I-124	449

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
(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>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-125	450
(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>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-126	451
(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>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-127	452
(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;	<i>[no change]</i>	(h) for each enabling condition <b>linked to the selected specific objective</b> , 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>Provisional common understanding</i>  (h) for each enabling condition <b>linked to the selected specific objective</b> , 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	453
(i) the envisaged approach to communication and visibility for the	<u>Amendment 154</u>	(i) the envisaged approach to communication and visibility for the	<i>Provisional common understanding</i>	I-129	454

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programme through defining its objectives, target audiences, communication channels, social media outreach, 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, <i>where appropriate</i> social media outreach, <i>as well as</i> planned budget and relevant indicators for monitoring and evaluation;	programme through defining its objectives, target audiences, communication channels, <del>social media outreach</del> , 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, <b>including</b> social media outreach, <b>where appropriate</b> , planned budget and relevant indicators for monitoring and evaluation;		
(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, <b>the body responsible for the accounting function under Article 70</b> , and the body which receives payments from the Commission.	(j) the <del>managing authority, the audit authority</del> <b>programme authorities</b> and the body <b>or in case of technical assistance pursuant to Article 30(5), where applicable bodies</b> which <del>receives</del> <b>receive</b> payments from the Commission.	<i>Provisional common understanding</i>  (j) the <del>managing authority, the audit authority</del> <b>programme authorities</b> and the body <b>or in case of technical assistance pursuant to Article 30(5), where applicable bodies</b> which <del>receives</del> <b>receive</b> payments from the Commission.	I-130	455
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 <del>[4(e)(vii)]</del> <b>[4(1)(xi)]</b> of the ESF+Regulation.	<del>Points (c) and</del> <b>Point (d)</b> of this paragraph shall not apply to the specific objective set out in Article <del>[4(e)(vii)]</del> <b>[4(1)(xi)]</b> of the ESF+Regulation.	<i>Provisional common understanding</i>  <b>Points (a) (i), (ii) and (vi) of this paragraph shall not apply to 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)] of the ESF+Regulation.</b>	I-131	456
		<b>When submitting the programme for the ERDF, the Cohesion Fund, the ESF+ and the EMFF, this shall be accompanied by a list of planned</b>	<i>Provisional common understanding</i>  <b>When submitting the programme for the ERDF, the Cohesion Fund, the</b>	I-132	457



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		operations of strategic importance, for information purposes.	ESF+ and the EMFF, this shall be accompanied for information purposes by a list of planned operations of strategic importance, with a timetable.		
		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.	Provisional common understanding  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	458
		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).	Provisional common understanding  [CONS AMD withdrawn]	I-132B	459
	<u>Amendment 157</u>  <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>		Provisional common understanding  [AMD withdrawn, covered by line I-88 bis]	I-133	460
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>(b)</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>(b)</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:	I-134	461
(a) a description of the initial situation,	[no change]	[no change]	Provisional common understanding	I-135	462

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
challenges and responses supported by the Fund;			<i>[no change]</i>		
(b) indication of the operational objectives;	<i>[no change]</i>	(b) indication of the <del>operational objectives</del> <b>implementation measures</b> ;	<i>Provisional common understanding</i>  (b) indication of the <del>operational objectives</del> <b>implementation measures</b> ;	I-136	463
(c) an indicative list of actions and their expected contribution to the specific and operational objectives;	<i>[no change]</i>	(c) an indicative list of actions and their expected contribution to the specific <del>and operational</del> objectives;	<i>Provisional common understanding</i>  (c) an indicative list of actions and their expected contribution to the specific <del>and operational</del> objectives;	I-137	464
(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;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-138	465
(e) output and result indicators with the corresponding milestones and targets;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-139	466
(f) an indicative breakdown of the programmed resources by type of intervention.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-140	467
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 on a nomenclature set out in the Fund-specific Regulations.	<i>[no change]</i>	5. Types of intervention shall be based on a nomenclature set out in Annex I. For programmes supported by the <b>EMFF</b> , AMIF, the ISF and the BMVI, types of intervention shall be based on a nomenclature set out in the Fund-specific Regulations.	<i>Provisional common understanding</i>  5. Types of intervention shall be based on a nomenclature set out in Annex I. For programmes supported by the <b>EMFF</b> , AMIF, the ISF and the BMVI, types of intervention shall be based on a nomenclature set out in the Fund-specific Regulations.	I-141	468

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
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 <del>2025</del> <b>2027</b> <del>only</del> .	<del>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.</del>	<i>Provisional common understanding</i> 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 <del>2025</del> <b>2027</b> <del>only</del> ; <b>including the flexibility amount.</b>	I-142F	469
(6) For ERDF, ESF+, <del>and</del> Cohesion Fund and <b>JTF</b> 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.	(6) For ERDF, ESF+, Cohesion Fund and JTF 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 <del>2025 only</del> <b>2027, including the flexibility amount.</b>	(6) For ERDF, ESF+, Cohesion Fund and JTF 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 <del>2025 only</del> <b>2027 including the flexibility amount.</b>	<i>Provisional common understanding</i> (6) For ERDF, ESF+, Cohesion Fund and JTF 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 <del>2025 only</del> <b>2027 including the flexibility amount.</b>	IX-68	470
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>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-143	471
<b>8. For programmes supported by the JTF, Member States shall submit to the Commission the territorial just transition plans as set out in Article [7] of Regulation (EU) [JTF Regulation] as part of the programme or of a request for its amendment.</b>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IX-70	472
<i>Article 18</i> <i>Approval of programmes</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-144	473

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
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 recommendations.	<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 into account relevant country-specific recommendations, <b>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.</b>	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 <b>relevant</b> Partnership Agreement- <b>or with the relevant comprehensive set of information referred to in Article 8(2).</b> In its assessment, the Commission shall, in particular, take into account <b>how</b> relevant country-specific recommendations <b>have been addressed.</b>	<i>Provisional common understanding</i>  1. The Commission shall assess the programme and its compliance with this Regulation and with the Fund-specific Regulations, as well as, <b>for the ERDF, ESF+, Cohesion Fund and EMFF</b> , its consistency with the <b>relevant</b> Partnership Agreement. In its assessment, the Commission shall, in particular, take into account relevant country-specific recommendations, <b>relevant challenges identified in the National Energy and Climate Plan, and the principles of the European Pillar of Social Rights, and the way they are addressed.</b>	I-145  <i>Link to recital (13)</i>	474
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 <del>three</del> <b>two</b> months of the date of submission of the programme by the Member State.	[no change]	<i>Provisional common understanding</i>  [no change]	I-146	475
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 <b>within two months of their submission.</b>	[no change]	<i>Provisional common understanding</i>  3. The Member State shall review the programme taking into account the observations made by the Commission.	I-147	476
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	<u>Amendment 163</u>  4. The Commission shall adopt a decision by means of an implementing act approving the programme no later	[no change]	<i>Provisional common understanding</i>  4. The Commission shall adopt a decision by means of an implementing act approving the programme no later	I-148	477

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
programme by the Member State.	than <del>six</del> <b>five</b> months after the date of <i>the first</i> submission of the programme by the Member State.		than <del>six</del> <b>five</b> months after the date of <i>the first</i> submission of the programme by the Member State.		
<i>Article 19</i> <i>Amendment of programmes</i>	[no change]	[no change]	<i>Provisional common understanding</i>  [no change]	I-149	478
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.	[no change]	[no change]	<i>Provisional common understanding</i>  [no change]	I-150	479
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 <del>three</del> <b>two</b> 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 <del>three</del> <b>two</b> months of the submission of the amended programme.	<i>Provisional common understanding</i>  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 <del>three</del> <b>two</b> months of the submission of the amended programme.	I-151	480
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]	<i>Provisional common understanding</i>  [no change]	I-152	481
4. The Commission shall approve the amendment of a programme no later than six months after its submission by the	<u>Amendment 166</u>  4. The Commission shall approve the	4. The Commission shall approve the amendment of a programme no later than <del>six</del> <b>four</b> months after its submission by	<i>Provisional common understanding</i>  4. The Commission shall approve the	I-153	482

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
Member State.	amendment of a programme no later than <del>six</del> <b>three</b> months after its submission by the Member State.	the Member State.	amendment of a programme no later than <del>six</del> <b>four</b> months after its submission by the Member State.		
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 <del>5</del> <b>7</b> % of the initial allocation of a priority and no more than <del>3</del> <b>5</b> % of the programme budget to another priority of the same Fund of the same programme. <b><i>In doing so the Member State shall respect the code of conduct established by the Commission Delegated Regulation (EU) No 240/2014.</i></b> For the programmes supported by the ERDF and ESF+, the transfer shall only concern allocations for the same category of region.	<b>5. For the programmes supported by the ERDF, Cohesion Fund and ESF+</b> , the Member State may transfer during the programming period an amount of up to <del>5</del> <b>8</b> %, of the initial allocation of a priority and no more than <del>3</del> <b>4</b> % 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>Provisional common understanding</i>  <b>5. For the programmes supported by the ERDF, Cohesion Fund and ESF+</b> , the Member State may transfer during the programming period an amount of up to <del>5</del> <b>8</b> %, of the initial allocation of a priority and no more than <del>3</del> <b>4</b> % 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-154F	483
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, <del>and</del> the ESF+ <b>and the JTF</b> , the transfer shall only concern allocations for the same category of region.	<b>5. For the programmes supported by the ERDF, JTF, Cohesion Fund and ESF+</b> , the Member State may transfer during the programming period an amount of up to <del>5</del> <b>8</b> %, of the initial allocation of a priority and no more than <del>3</del> <b>4</b> % of the programme budget to another priority of the same Fund of the same programme. For the programmes supported by the ERDF, ESF+ and the JTF, the transfer shall only concern allocations for the same category of region.	<del>5. The</del> <b>For the programmes supported by the ERDF, JTF, Cohesion Fund and ESF+</b> , the Member State may transfer during the programming period an amount of up to <del>5</del> <b>8</b> % of the initial allocation of a priority and no more than <del>3</del> <b>4</b> % of the programme budget to another priority of the same Fund of the same programme. For the programmes supported by the ERDF, the ESF+ and the JTF, the transfer shall only concern allocations for the same category of region.	<i>Provisional common understanding</i>  <del>5. The</del> <b>For the programmes supported by the ERDF, JTF, Cohesion Fund and ESF+</b> , the Member State may transfer during the programming period an amount of up to <del>5</del> <b>8</b> % of the initial allocation of a priority and no more than <del>3</del> <b>4</b> % of the programme budget to another priority of the same Fund of the same programme. For the programmes supported by the ERDF, the ESF+ and the JTF, the transfer shall only concern allocations for the same category of region.	IX-72	484

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		<b>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;</b>	Provisional common understanding  <b>For the programmes supported by the EMFF, the Member State may transfer during the programming period an amount of up to 8% of the initial allocation of a Union priority to another Union priority;</b>	I-155	485
		<b>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.</b>	<i>Provisional common understanding</i>  <b>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.</b>	I-156	486
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>	<i>[no change]</i>	<i>Provisional common understanding</i>  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 <b>and shall be approved by the monitoring committee in advance.</b> 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-157	487

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
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, <b>technical</b> or editorial nature that do not affect the implementation of the programme. Member States shall inform the Commission of such corrections.	[no change]	<i>Provisional common understanding</i>  [no change]	I-158	488
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]	<i>Provisional common understanding</i>  [no change]	I-159	489
<i>Article 20</i> <i>Joint support from the ERDF, the ESF+ and the Cohesion Fund</i>	[no change]	[no change]	<i>Provisional common understanding</i>  [no change]	I-160F	490
<i>Article 20</i> <i>Joint support from the ERDF, the ESF+, the JTF and the Cohesion Fund</i>	[no change]	[no change]	<i>Provisional common understanding</i>  [no change]	IX-74	491
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]	<i>Provisional common understanding</i>  [no change]	I-161F	492
1. The ERDF, the ESF+, <b>the JTF</b> and the Cohesion Fund may jointly provide support for programmes under the Investment for jobs and growth goal.	[no change]	[no change]	<i>Provisional common understanding</i>  [no change]	IX-75	493
2. The ERDF and the ESF+ may finance, in a complementary manner and subject to	<u>Amendment 169</u>	[no change]	<i>Provisional common understanding</i>	I-162F	494



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
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.	2. The ERDF and the ESF+ may finance, in a complementary manner and subject to a limit of <del>10%</del> <b>15 %</b> 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.		2. The ERDF and the ESF+ may finance, in a complementary manner and subject to a limit of <del>10%</del> <b>15%</b> 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>Comment: Commission noted their opposition to this compromise.</i>		
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. <b>That option shall not apply to the resources of the ERDF and the ESF+ that are transferred to the JTF in accordance with Article 21a.</b>	2. The ERDF and the ESF+ may finance, in a complementary manner and subject to a limit of <del>10%</del> <b>15%</b> 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. That option shall not apply to the resources of the ERDF and the ESF+ that are transferred to the JTF <b>on a voluntary basis</b> , in accordance with Article 21a.	2. The ERDF and the ESF+ may finance, in a complementary manner and subject to a limit of <del>10%</del> <b>15%</b> 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. That option shall not apply to the resources of the ERDF and the ESF+ that are transferred to the JTF in accordance with Article 21a.	<i>Provisional common understanding</i>  2.The ERDF and the ESF+ may finance, in a complementary manner and subject to a limit of <del>10%</del> <b>15%</b> 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. That option shall not apply to <del>any</del> <b>the</b> resources of the ERDF and the ESF+ that are transferred <b>on a voluntary basis</b> to the JTF in accordance with Article 21a.	IX-76	495
<i>Article 21 Transfer of resources</i>	<i>[no change]</i>	<i>[no change]</i>	<i>[Provisional common understanding on the Title only]</i>  <i>[no change]</i>	I-163	496

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
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> <del>any other Fund under shared management or to any instrument under direct or indirect management.</del>	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-164F	497
1. Member States may request, <b>in the Partnership Agreement or in the request for an amendment of a programme</b> , the transfer of up to 5% of <del>programme financial</del> <b>in total of the initial national allocation from any of each Funds to any other Fund under shared management or any other instrument</b> under direct or indirect management.	1. <i>For the purpose of ensuring flexibility</i> , Member States may request, in the Partnership Agreement or in the request for an amendment of a programme, <i>if agreed by the monitoring committee of the programme</i> , the transfer of up to 5% in total of the initial national allocation of each Fund to any <del>other instrument under direct or indirect management</del> <i>from any of the Funds to the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, or the European Maritime and Fisheries Fund.</i>	1. Member States may request, in the Partnership Agreement or in the request for an amendment of a programme, the transfer of up to 5% in total of the initial national allocation of each Fund to any other instrument under direct or indirect management <b>whose basic act so allows, or to another Fund or Funds, except for transfers which are set out in the second subparagraph.</b>	<i>Provisional common understanding</i>  1. Member States may request, in the Partnership Agreement or, in the request for an amendment of a programme <b>if agreed by the monitoring committee of the programme pursuant to Article 35(2)(d)</b> , the transfer of up to 5% <del>in total</del> of the initial national allocation of each Fund to any other instrument under direct or indirect management, <b>where such possibility is provided for in the basic act of such an instrument.</b>  <b>The sum of the transfers referred to in the first subparagraph and the contributions in accordance with the first subparagraph of Article 10(1) shall not exceed 5% of the initial national allocation of each Fund.</b>	IX-136	498

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
<p><b>Member States may also request, in the Partnership Agreement or in the request for an amendment of a programme, the transfer of up to 5% in total of the initial national allocation of each Fund to another Fund or Funds. Member States may request an additional transfer of up to 5% in total of the initial national allocation by Fund between the ERDF, the ESF+ or the Cohesion Fund within the Member State's global resources under the Investment for jobs and growth goal.</b></p>	<p><del>Member States may also request, in the Partnership Agreement or in the request for an amendment of a programme, the transfer of up to 5% in total of the initial national allocation of each Fund to another Fund or Funds. Member States may request an additional transfer of up to 5% in total of the initial national allocation by Fund between the ERDF, the ESF+ or the Cohesion Fund within the Member State's global resources under the Investment for jobs and growth goal.</del></p>	<p>Member States may also request, in the Partnership Agreement or in the request for an amendment of a programme, the transfer of up to 5% in total of the initial national allocation of each Fund to another Fund or Funds. Member States may request an additional transfer of up to <b>205%</b> in total of the initial national allocation by Fund between the ERDF, the ESF+ or the Cohesion Fund within the Member State's global resources under the Investment for jobs and growth goal. <b>The transfer set out in this subparagraph shall be up to 25% in total of the initial national allocation by Fund for Member States whose average total unemployment rate for the period 2017-2019 is under 3 %.</b></p>	<p><i>Provisional common understanding</i></p> <p>Member States may also request, in the Partnership Agreement or in the request for an amendment of a programme, the transfer of up to 5% in total of the initial national allocation of each Fund to another Fund or Funds, <b>except for transfers which are set out in the fourth subparagraph.</b></p> <p>Member States may also request, in the Partnership Agreement or in the request for an amendment of a programme, an additional transfer of up to <b>205%</b> in total of the initial national allocation by Fund between the ERDF, the ESF+ or the Cohesion Fund within the Member State's global resources under the Investment for jobs and growth goal. <b>The Member States whose average total unemployment rate for the period 2017-2019 is under 3 % may request such an additional transfer of up to 25 % of the initial national allocation.</b></p>	<p>IX-137</p> <p><i>Link to para (da) in Article 15a(1)</i></p> <p><i>Link to recital (22a)</i></p>	<p>499</p>
<p>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 management, for the benefit of the Member State concerned.</p>	<p><u>Amendments 171 and 434</u></p> <p>2. Transferred resources shall be implemented in accordance with the rules of the Fund or the instrument to which the resources are transferred <del>and, in the case of transfers to instruments under direct or indirect management, for the</del></p>	<p><i>[no change]</i></p>	<p><i>Provisional common understanding</i></p> <p><i>[no change]</i></p>	<p>I-165</p>	<p>500</p>

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	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 <b>with a view to the complementarities and impact to be achieved</b> , 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-166F	501
3. Requests <del>under paragraph 1</del> <b>for an amendment of a programme</b> 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, <del>from which the resources are to be transferred</del> in accordance with Article 19 <del>indicating to which other Fund or instrument the amounts are transferred</del> .	3. Requests for an amendment of a programme shall set out the total amount transferred for each year by Fund and by category of region, where relevant, shall be duly justified <b>with a view to the complementarities and impact to be achieved</b> , and shall be accompanied by the revised programme or programmes in accordance with Article 19.	[no change]	<i>Provisional common understanding</i>  3. Requests for an amendment of a programme shall set out the total amount transferred for each year by Fund and by category of region, where relevant, <b>shall be duly justified with a view to the complementarities, and impact to be achieved</b> , and shall be accompanied by the revised programme or programmes in accordance with Article 19.	IX-139	502
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. <b>After consultation with the Member State concerned</b> , the Commission <del>may</del> <b>shall</b> 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>Provisional common understanding</i>  4. <b>After consultation with the Member State concerned</b> , the Commission <del>may</del> <b>shall</b> object to a request for transfer in the related programme amendment where this would undermine the achievement of the objectives of the programme from	I-167	503

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			which the resources are to be transferred.		
			<i>Provisional common understanding</i>  <b>The Commission shall also object to the request where it considers that the Member State has not provided an adequate justification for the transfer with regard to the results to be achieved or the contribution to be made to the objectives of the receiving Fund or instrument in direct or indirect management.</b>		503a
5. Only resources of future calendar years may be transferred.	<i>[no change]</i>	<i>[no change]</i>		I-168F	504
5. <b>Where the request concerns an amendment of a programme, only</b> resources of future calendar years may be transferred.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IX-141	505
<b>6. JTF resources, including the resources transferred from the ERDF and the ESF+ in accordance with Article 21a, shall not be transferable to other Funds or instruments pursuant to paragraphs 1 to 5.</b>	6. JTF resources, including the resources transferred, <b>on a voluntary basis</b> from the ERDF and the ESF+ in accordance with Article 21a, shall not be transferable to other Funds or instruments, pursuant to paragraphs 1 to 5.	<i>[no change]</i>	<i>Provisional common understanding</i>  6. JTF resources, including the resources transferred <b>on a voluntary basis</b> from the ERDF and the ESF+ in accordance with Article 21a, shall not be transferable to other Funds or instruments pursuant to paragraphs 1 to 5.	IX-78	506
<b>The JTF shall not receive transfers pursuant to paragraphs 1 to 5.</b>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IX-79	507
<b>The transfer of resources from the ERDF and the ESF+ to the JTF in</b>	<b>If applicable</b> , the <b>voluntary</b> transfer of resources from the ERDF and the ESF+	The transfer of resources from the ERDF and the ESF+ to the JTF in accordance	<i>Provisional common understanding</i>	IX-80	508

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
<b>accordance with Article 21a shall be excluded from the basis of calculation for the purposes of the 5% ceiling established in paragraph 1.</b>	to the JTF in accordance with Article 21a shall be excluded from the basis of calculation for the purposes of the 5% ceiling established in paragraph 1.	with Article 21a shall be excluded from the basis of calculation for the purposes of the 5% ceilings established in paragraph 1.	The transfer of resources from the ERDF and the ESF+ to the JTF in accordance with Article 21a shall be excluded from the basis of calculation for the purposes of the 5% ceilings established in paragraph 1.		
		<b>7. Where the Commission has not made the legal commitment under direct or indirect management for resources transferred in accordance with paragraph 1, the corresponding uncommitted resources may be transferred back to one or more programmes. To this end, the Member State shall submit a request for a programme amendment in accordance with Article 19(1), at the latest four months before the deadline set out in Article 114(2) of Regulation (EU, Euratom) 2018/1046.</b>	<i>Provisional common understanding</i>  <b>7. Where the Commission has not entered into a legal commitment under direct or indirect management for resources transferred in accordance with paragraph 1, the corresponding uncommitted resources may be transferred back to the Fund from which they have been initially transferred and allocated to one or more programmes.</b>  To this end, the Member State shall submit a request for a programme amendment in accordance with Article 19(1), at the latest four months before the time limit for commitments set out in the first subparagraph of Article 114(2) of Regulation (EU, Euratom) 2018/1046.	IX-80a	509
		<b>8. Resources transferred back to one or more programmes shall be implemented in accordance with the rules set out in this Regulation and the Fund-specific Regulations as from the date of submission of the request for</b>	<i>Provisional common understanding</i>  <b>8. Resources transferred back to the Fund from which they have been initially transferred and allocated to one or more programmes shall be implemented in accordance with the</b>	IX-80b	510

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		<b>programme amendment</b>	<b>rules set out in this Regulation and the Fund-specific Regulations as from the date of submission of the request for programme amendment.</b>		
		<b>9. For the resources transferred back to a programme in accordance with paragraph 7, the decommitment time limit as defined in Article 99 shall start in the year in which the corresponding budgetary commitments are made.</b>	<i>Provisional common understanding</i> <b>9. For the resources transferred back to the Fund from which they have been initially transferred and allocated to a programme in accordance with paragraph 7, the decommitment time limit as defined in paragraph 1 of Article 99 shall start in the year in which the corresponding budgetary commitments are made.</b>	IX-80c	511
	<u>Amendment 173</u> <b>CHAPTER I a - Major projects</b>		<i>Provisional common understanding</i> <i>[amendment withdrawn]</i>	I-169 <i>Link to recital (22a)</i>	512
	<u>Amendment 174</u> <b>Article 21 a (new)</b> <b>Content</b> <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</i>		<i>Provisional common understanding</i> <i>[amendment withdrawn]</i>	I-170	513

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>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>				
	<p><u>Amendment 175</u></p> <p><i>Article 21 b (new)</i></p> <p><i>Information necessary for the 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,</i></p>		<p><i>Provisional common understanding</i></p> <p><i>[amendment withdrawn]</i></p>	I-171	514



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<p><i>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 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><b>Article 21 c (new)</b></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 21b in order to determine whether the</i></p>		<p><i>Provisional common understanding</i></p> <p><i>[amendment withdrawn]</i></p>	I-172	515

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>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>		Provisional common understanding <i>[amendment withdrawn]</i>	I-173	516
	<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>		Provisional common understanding <i>[amendment withdrawn]</i>	I-174	517
	<i>4. Major projects submitted for approval under paragraph 1 shall be contained in the list of major projects in a programme.</i>		Provisional common understanding <i>[amendment withdrawn]</i>	I-175	518
	<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</i>		Provisional common understanding <i>[amendment withdrawn]</i>	I-176	519

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<p><i>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>				
<p><b>Article 21a</b></p> <p><b>Transfer of resources from the ERDF and the ESF+ to the JTF</b></p>	<p><i>[no change]</i></p>	<p><i>[no change]</i></p>	<p><i>Provisional common understanding</i></p> <p><i>[no change]</i></p>	<p>IX-82</p>	<p>520</p>
<p><b>1. The amount of resources available for the JTF under the Investment for jobs and growth goal in accordance with Article [3] of Regulation (EU) [JTF Regulation], shall be complemented with resources from the ERDF, the ESF+ or a combination thereof, of the category of regions where the concerned territory is located. The total of the ERDF and the ESF+ resources transferred to the JTF shall be at least one and half times the amount of JTF support, but shall not exceed three times the amount of that support. In no case shall the resources transferred from either the ERDF or the ESF+ exceed 20% of the respective ERDF and ESF+ allocation to the Member State concerned.</b></p>	<p>1. The amount of resources available for the JTF under the Investment for jobs and growth goal in accordance with Article [3] of Regulation (EU) [JTF Regulation], shall <del>may</del> be complemented <b>on a voluntary basis</b> with resources from the ERDF, the ESF+ or a combination thereof, of the category of regions where the concerned territory is located. The total of the ERDF and the ESF+ resources <b>to be</b> transferred to the JTF <b>priority</b> shall be at least <del>not exceed</del> one and a half times the amount of JTF support <b>from the JTF to that priority</b>, but shall not exceed three times the amount of that support. In no case shall the resources transferred from either the ERDF or the ESF+ exceed <del>20</del> <b>15%</b> of the respective ERDF and ESF+ allocation to the Member State concerned.</p>	<p>1. The amount of resources available for the JTF under the Investment for jobs and growth goal in accordance with Article [3] of Regulation (EU) [JTF Regulation], shall <del>may</del> be complemented with resources from the ERDF, the ESF+ or a combination thereof, of the category of regions where the concerned territory is located. The total of the ERDF and the ESF+ resources transferred to the JTF shall be at least one and half times the amount of JTF support, but shall not exceed three times the amount of that <del>that</del> <b>JTF support excluding the resources referred to in paragraph 1 of Article 3a of Regulation (EU) [JTF Regulation]</b>. <del>In no case shall</del> The resources transferred from either the ERDF or the ESF+ shall <b>not</b> exceed 20% of the respective ERDF and ESF+ allocation to the Member State concerned.</p>	<p><i>Provisional common understanding</i></p> <p><b>1. Member States may request on a voluntary basis that</b> <del>the amount of resources available for the JTF under the Investment for jobs and growth goal in accordance with Article [3] of Regulation (EU) [JTF Regulation], shall be complemented, with resources from the ERDF, the ESF+ or a combination thereof, of the category of regions where the concerned territory is located. The total of the ERDF and the ESF+ resources transferred to the JTF shall be at least one and half times the amount of JTF support, but shall not exceed three times the amount of that</del> <b>the JTF support referred to in Article 104(1)(g)</b>. <del>In no case shall</del> The resources transferred from either the ERDF or the ESF+ shall <b>not</b> exceed <del>20</del> <b>15%</b> of the respective ERDF and ESF+ allocation to the</p>	<p>IX-83</p>	<p>521</p>

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			Member State concerned. <b>In the requests, Member States shall set out the total amount transferred for each year by category of region.</b>		
<b>The respective transfers from the ERDF and the ESF+ resources to the priority or priorities supported by the JTF shall reflect the types of interventions in accordance with the information set out in the programme pursuant to point (viii) of Article 17(3)(d). Such transfers shall be considered definitive.</b>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <b>2.</b> The respective transfers from the ERDF and the ESF+ resources to the priority or priorities supported by the JTF shall reflect the types of interventions in accordance with the information set out in the programme pursuant to point (viii) of Article 17(3)(d). Such transfers shall be considered definitive.	IX-84	522
<b>2. The JTF resources, including the resources transferred from the ERDF and the ESF+, shall be implemented in accordance with the rules set out in this Regulation and in Regulation (EU) [JTF Regulation]. The rules set out in Regulation (EU) [ERDF/CF Regulation] and in Regulation (EU) [ESF+ Regulation] shall not apply to the ERDF and ESF+ resources transferred in accordance with paragraph 1.</b>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <del>2.</del> <b>3.</b> The JTF resources, including the resources transferred from the ERDF and the ESF+, shall be implemented in accordance with the rules set out in this Regulation and in Regulation (EU) [JTF Regulation]. The rules set out in Regulation (EU) [ERDF/CF Regulation] and in Regulation (EU) [ESF+ Regulation] shall not apply to the ERDF and ESF+ resources transferred in accordance with paragraph 1.	IX-85	523
CHAPTER II Territorial development	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-177	524
<i>Article 22</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>	I-178	525

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
<i>Integrated territorial development</i>			<i>[no change]</i>		
The Member State shall support integrated territorial development through territorial and local development strategies in any of the following forms:	<i>[no change]</i>	<del>The</del> Where a Member State shall support integrated territorial development, it shall do so through territorial and/or local development strategies in any of the following forms:	Provisional common understanding <del>The</del> Where a Member State shall support integrated territorial development, it shall do so through territorial and/or local development strategies in any of the following forms:	I-179	526
(a) integrated territorial investments;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	I-180	527
(b) community-led local development;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	I-181	528
(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).	Provisional common understanding  (c) another territorial tool supporting initiatives designed by the Member State or investments programmed for the ERDF under the policy objective referred in Article 4(1)(e).	I-182	529
	<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>		Provisional common understanding  <b>When implementing territorial or local development strategies under more than one Fund, the Member State shall ensure coherence and coordination among the Funds concerned.</b>	I-183	530
<i>Article 23</i> <i>Territorial strategies</i>	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding	I-184	531

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New 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	532
(a) the geographical area covered by the strategy;	<u>Amendment 179</u> (a) the geographical area covered by the strategy <b>including economic, social and environmental interlinkages</b> ;	[no change]	Provisional common understanding [no change]	I-186	533
(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, <b>including economic, social and environmental interlinkages</b> ;	I-187	534
(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 <b>of the area</b> ;	Provisional common understanding (c) a description of an integrated approach to address the identified development needs and the potential <b>of the area</b> ;	I-188	535
(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 <del>in accordance with</del> <b>under</b> Article 6 in the preparation and in the implementation of the strategy.	(d) a description of the involvement of partners in <del>accordance with Article 6 in</del> the preparation and in the implementation of the strategy.	Provisional common understanding [no change]	I-189	536
They may also contain a list of operations to be supported.	[no change]	[no change]	Provisional common understanding [no change]	I-190	537

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
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 <del>drawn up</del> <b>prepared and endorsed</b> under the responsibility of the relevant <del>urban</del> <b>regional</b> , local <del>or</del> <b>and</b> other territorial <del>public</del> <b>public</b> authorities or bodies. <b>Pre-existing strategic documents concerning the covered areas may be updated and used for territorial strategies.</b>	2. Territorial strategies shall be <del>drawn up</del> under the responsibility of the relevant urban, local or other territorial authorities or bodies.	<i>Provisional common understanding</i>  2. Territorial strategies shall be <del>drawn up</del> under the responsibility of the relevant <del>urban, local or other</del> territorial authorities or bodies. <b>Existing strategic documents concerning the covered areas may be used for territorial strategies.</b>	I-191	538
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 <del>urban,</del> <b>regional</b> , local or other territorial authorities or bodies shall select or shall be involved in the selection of operations.	<i>[no change]</i>	<i>Provisional common understanding</i>  3. Where the list of operations to be supported has not been included in the territorial strategy, the relevant <del>urban,</del> <b>regional</b> , local or other territorial authorities or bodies shall select or shall be involved in the selection of operations.	I-192	539
	<u>Amendment 183</u>  <b>3 a. When preparing territorial strategies, the authorities referred 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.</b>		<i>Provisional common understanding</i>  <b>3 a. When preparing territorial strategies, the authorities referred 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.</b>	I-193	540
Selected operations shall comply with the territorial strategy.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-194	541
4. Where an urban, local or other territorial authority or body carries out	<u>Amendment 184</u>	<i>[no change]</i>	<i>Provisional common understanding</i>	I-195	542

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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.	4. Where an <del>urban</del> <b>a regional</b> , local or other territorial <b>public</b> authority or <b>other</b> 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.		4. Where an <del>urban, local or other</del> 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 185</u> <b><i>The selected operations may be supported under more than one priority of the same programme.</i></b>		<i>Provisional common understanding</i> <i>[EP amendment withdrawn]</i>	I-196	543
5. Support may be provided for the preparation and design of territorial strategies.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	I-197	544
<i>Article 24</i> <i>Integrated territorial investment</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	I-198	545
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 <del>Funds</del> <b>than one Fund</b> , 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'). <b><i>Where appropriate, each ITI may be complemented by financial support from the EAFRD.</i></b>	<i>[no change]</i>	<i>Provisional common understanding</i> 1. Where a strategy implemented in accordance with Article 23 involves investments that receive support from one or more <del>Funds</del> <b>than one Fund</b> , 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').	I-199	546



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
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.	<i>[no change]</i>	<del>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.</del>	<i>Provisional common understanding</i> <del>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.</del>	I-200	547
	<u>Amendment 187</u>  <i>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 operations.</i>		<i>Provisional common understanding</i>  <i>[EP amendment withdrawn]</i>	I-201	548
<i>Article 25</i> <i>Community-led local development</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-202	549
1. The ERDF, the ESF+ and the EMFF may support community-led local development.	<u>Amendment 188</u>  1. The ERDF, the ESF+, <del>and</del> the EMFF <del>may</del> <b>shall</b> 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+ <b>[, the EAFRD as referred to in Regulation XX/XXXX]</b> and the EMFF may support community-led local development.	<i>[Verb (may / shall) to be decided in the trilogue.</i>  <i>Provisional common understanding on the remaining text]</i>  1. The ERDF, the ESF+, <b>the JTF</b> and the EMFF <b>[may / shall]</b> support community-led local development.	I-203F  <i>Link to recital (23)</i>	550
1. The ERDF, the ESF+, <b>the JTF</b> and the EMFF may support community-led local development.	1. The ERDF, the ESF+, the JTF, <del>and</del> the EMFF <del>and the EAFRD shall</del> <del>may</del> support community-led local	1. The ERDF, the ESF+, the JTF <b>[, the EAFRD as referred to in Regulation XX/XXXX]</b> and the EMFF may support	<i>Provisional common understanding</i>  1. <b>Where the Member State considers</b>	I-203  (IX-	551

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	development. <i>In the context of the EAFRD, such development shall be designated as LEADER local development.</i>	community-led local development.	<b>it appropriate pursuant to Article 22,</b> the ERDF, the ESF+, <b>the JTF</b> and the EMFF <del>may</del> <b>shall</b> support community-led local development.	87) <i>Link to recital (23) and row 1419a</i>	
2. The Member State shall ensure that community-led local development is:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	I-204	552
(a) focused on subregional areas;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	I-205	553
(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, <b>including the public sector</b> , controls the decision-making;	(b) led by local action groups composed of representatives of public and private local socio-economic interests, in which no single interest group <del>controls</del> <b>control</b> the decision-making;	<i>Provisional common understanding</i> <i>[no change]</i>	I-206	554
(c) carried out through integrated strategies in accordance with Article 26;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	I-207	555
(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, <b>bottom-up approaches, accessibility</b> , innovative features in the local context and, where appropriate, cooperation with other territorial actors.	<i>[no change]</i>	<i>Provisional common understanding</i> d) supportive of networking, <b>accessibility</b> , innovative features in the local context and, where appropriate, cooperation with other territorial actors.	I-208	556

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
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>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	I-209	557
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. <b><i>The type of measures and operations to be financed by each affected Fund may also be specified.</i></b>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	I-210	558
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.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <b><i>5. While respecting the scope and the eligibility rules of each fund involved in supporting the strategy, 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.</i></b>	I-211	559

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
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.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-212	560
		<b>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 also apply to the EAFRD and to the respective programme authorities.</b>	<i>Provisional common understanding</i>  <i>[CONS AM withdrawn]</i>	I-213  <i>Link to recital (24)</i>	561
<i>Article 26</i> <i>Community-led local development strategies</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-214	562
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>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-215	563
(a) the geographical area and population covered by that strategy;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-216	564
(b) the community involvement process in the development of that strategy;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-217	565
(c) an analysis of the development needs and potential of the area;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>	I-218	566

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			[no change]		
(d) the objectives of that strategy, including measurable targets for results, and related planned actions;	<u>Amendment 192</u>  (d) the objectives of that strategy, including measurable targets for results, and related planned actions <b>in response to local needs as identified by the local community</b> ;	[no change]	Provisional common understanding  [no change]	I-219	567
			Provisional common understanding  <b>(d bis) The type of measures and operations to be financed by each affected Fund may also be specified;</b>	I-219A	568
(e) the management, monitoring and evaluation arrangements, demonstrating the capacity of the local action group to implement that strategy;	[no change]	[no change]	Provisional common understanding  [no change]	I-220	569
(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, <b>including where appropriate the EAFRD</b> , and <b>each</b> programme concerned.	[no change]	Provisional common understanding  (f) a financial plan, including the planned allocation from each Fund, <b>and also, where appropriate, the planned allocation from the EAFRD</b> , and <b>each</b> programme concerned.	I-221	570
2. The relevant managing authorities shall define criteria for the selection of those strategies, set up a committee to carry out this selection and approve the strategies selected by that committee.	[no change]	[no change]	Provisional common understanding  [no change]	I-222	571
3. The relevant managing authorities shall complete the first round of selection of	[no change]	3. The relevant managing authorities shall complete the first round of selection of	Provisional common understanding	I-223	572

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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.		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 <del>12</del> <b>18</b> months of the date of the approval of the last programme concerned.	<i>[no change]</i>		
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. <b><i>Corresponding national public contributions shall be guaranteed upfront for the whole period.</i></b>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	<i>I-224</i>	<i>573</i>
<i>Article 27</i> <i>Local action groups</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	<i>I-225</i>	<i>574</i>
1. Local action groups shall design and implement the strategies referred to in Article 25(2)(c).	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	<i>I-226</i>	<i>575</i>
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 <b><i>are inclusive, and that they</i></b> 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, <b><i>in order to implement</i></b>	<i>[no change]</i>	<i>Provisional common understanding</i>  2. The managing authorities shall ensure that the local action groups <b><i>are inclusive, and that they</i></b> either select one partner within the group as a lead partner in administrative and financial matters, or come together in a legally constituted	<i>I-227</i>	<i>576</i>

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	<i>tasks relating to the community-led local development strategy.</i>		common structure,		
3. The local action groups, exclusively, shall carry out all of the following tasks:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	I-228	577
(a) building the capacity of local actors to develop and implement operations;	<u>Amendment 196</u> (a) building the <b>administrative</b> capacity of local actors to develop and implement operations;	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	I-229	578
(b) drawing up a non-discriminatory and transparent selection procedure and criteria, which avoids conflicts of interest and ensures that no single interest group controls selection decisions;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	I-230	579
(c) preparing and publishing calls for proposals;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	I-231	580
(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>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	I-232	581
(e) monitoring progress towards the achievement of objectives of the strategy;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	I-233	582
(f) evaluating the implementation of the strategy.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	I-234	583

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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 managing authority as intermediate bodies in accordance with the Fund-specific rules.	<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 <del>or of the paying agency</del> , those local action groups shall be identified by the managing authority as intermediate bodies in accordance with the Fund-specific rules.	<i>Provisional common understanding</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 <b>where the EAFRD is selected as a Lead Fund</b> , those local action groups shall be identified by the managing authority as intermediate bodies in accordance with the Fund-specific rules.	I-235	584
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, <b>encouraging the separation of functions inside the local action group.</b>	<i>[no change]</i>	<i>Provisional common understanding</i> 5. The local action group may be a beneficiary and may implement operations in accordance with the strategy, <b>ensuring the principle of separation of functions is respected.</b>	I-236	585
<i>Article 28</i> <i>Support from Funds for community-led local development</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	I-237	586
1. The Member State shall ensure that support from the Funds for community-led local development covers:	<u>Amendment 198</u> 1. <b>With a view to ensuring complementarities and synergies</b> , the Member State shall ensure that support from the Funds for community-led local development covers:	1. <del>The Member State shall ensure that</del> Support from the Funds for community-led local development <del>covers</del> <b>shall cover:</b>	<i>Provisional common understanding</i> <i>[no change]</i>	I-238	587
(a) capacity building and preparatory actions supporting the design and future	<u>Amendment 199</u> (a) <b>administrative</b> capacity building and	<i>[no change]</i>	<i>Provisional common understanding</i> <i>Link to</i>	I-239	588



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implementation of the strategies;	preparatory actions supporting the design and future implementation of the strategies;		<i>[no change]</i>	<i>recital (24)</i>	
(b) the implementation of operations, including cooperation activities and their preparation, selected under the local development strategy;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-240	589
	<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>		<i>Provisional common understanding</i>  <i>[EP amendment withdrawn]</i>	I-241	590
(c) the management, monitoring and evaluation of the strategy and its animation.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  (c) the management, monitoring and evaluation of the strategy and its animation, <b>including the facilitation of exchanges between stakeholders;</b>	I-242	591
2. The support referred to under point (a) of paragraph 1 shall be eligible regardless of whether the strategy is subsequently selected for funding.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-243	592
The support referred to under point (c) of paragraph 1 shall not exceed 25 % of the total public contribution to the strategy.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-244	593

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CHAPTER III Technical assistance	[no change]	[no change]	Provisional common understanding  [no change]	I-245	594
<i>Article 29</i> <i>Technical assistance at the initiative of the Commission</i>	[no change]	[no change]	Provisional common understanding  [no change]	I-246	595
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.	[no change]	[no change]	Provisional common understanding  [no change]	I-247	596
	<u>Amendment 201</u>  <i>1a. The actions referred to in the first subparagraph may include in particular:</i>  <i>(a) assistance for project preparation and appraisal;</i>  <i>(b) support for institutional strengthening and administrative capacity-building for the effective management of the Funds;</i>  <i>(c) studies linked to the Commission's reporting on the Funds and the cohesion report;</i>		Provisional common understanding  <i>1a. The actions referred to in the first subparagraph may include in particular:</i>  <i>(a) assistance for project preparation and appraisal;</i>  <i>(b) support for institutional strengthening and administrative capacity-building for the effective management of the Funds;</i>  <i>(c) studies linked to the Commission's reporting on the Funds and the</i>	I-248	597

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<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 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</i></p>		<p><i>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 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</i></p>		

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<p><i>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>		<p><i>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>		
	<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,</i></p>		<p><i>Provisional common understanding</i></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</i></p>	I-249	598

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>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 are related to the general objectives of this Regulation.</i>		<i>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 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 <del>future and</del> previous <b>and future</b> programming periods.	[no change]	Provisional common understanding 2. Such actions may cover <del>future and</del> previous <b>and subsequent</b> programming periods.	I-250	599
	<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>		Provisional common understanding <i>[EP amendment withdrawn]</i>	I-251	600
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]	Provisional common understanding <i>[no change]</i>	I-252	601
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]	Provisional common understanding <i>[no change]</i>	I-253	602

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<i>Provisional common understanding</i>  <b>5. In accordance with point (a) of the second subparagraph of Article 193(2) of Regulation (EU, Euratom) 2018/1046, in duly justified cases specified in the financing decision and for a limited period, technical assistance actions at the initiative of the Commission supported under this Regulation in direct management and the underlying costs may be considered eligible as of 1 January 2021, even if they were implemented and incurred before the grant application was submitted.</b>		602A
<i>Article 30</i> <i>Technical assistance of Member States</i>	<i>Article 30</i> <i>Technical assistance of Member States</i>	<i>Article 30</i> <i>Technical assistance of Member States</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-254  <i>Link to recital (25) and Art. 8, 12, 17, 37, 85 and 88</i>	603
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	<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	<i>[no change]</i>	<i>Provisional common understanding</i>  1. At the initiative of a Member State, the Funds may support actions, which may concern previous and subsequent programming periods, necessary for the	I-255	604

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
Funds.	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>		effective administration and use of those Funds, <i>including for the capacity building of the partners referred to in Article 6, as well as to provide financing for carrying out, amongst others, functions such as preparation, training, management, monitoring, evaluation, visibility and communication.</i>		
		<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  <b>The amounts for technical assistance under this Article and Article 32 shall not be taken into account for the purposes of thematic concentration in accordance with the fund-specific rules.</b>	I-256	605
2. Each Fund may support technical assistance actions eligible under any of the other Funds.	[no change]	[no change]	Provisional common understanding  [no change]	I-257	606
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 <b>either</b> one single Fund <b>or several Funds</b> .	<del>3. Within each programme, technical assistance shall take the form of a priority relating to one single Fund.</del>	Provisional common understanding  <del>3. Within each programme, technical assistance shall take the form of a priority relating to one single Fund.</del>	I-258	607
		<b>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.</b>	Provisional common understanding  <b>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.</b>	I-259	608

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		<i>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 be modified subsequently.</i>	Provisional common understanding  <i>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. This choice shall apply to all programmes in the Member State concerned for the entire programming period and cannot be modified subsequently.</i>	I-260	609
		<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>	Provisional common understanding  <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	610
		<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>	Provisional common understanding  <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	611
		<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>	Provisional common understanding  <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</i>	I-263	612



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<i>thereof;</i>		
		<p><b>(b) the amount of the Funds allocated to technical assistance is limited to the following:</b></p> <p><b>(i) for the ERDF support under the Investment for jobs and growth goal: 3,5%</b></p> <p><b>(ii) for the Cohesion Fund support: 2,5 %;</b></p> <p><b>(iii) for the ESF+ support: 4% and for programmes under Article 4(1)(xi) of the ESF+ Regulation: 5 %;</b></p>	<p>Provisional common understanding</p> <p><b>(b) the amount of the Funds allocated to technical assistance is limited to the following:</b></p> <p><b>(i) for the ERDF support under the Investment for jobs and growth goal: 3,5%</b></p> <p><b>(ii) for the Cohesion Fund support: 2,5 %;</b></p> <p><b>(iii) for the ESF+ support: 4% and for programmes under Article 4(1)(xi) of the ESF+ Regulation: 5 %;</b></p>	I-264	613
	<b>(iii)bis</b> for the JTF support: <del>3,25</del> -6%.	<b>(iii)bis</b> for the JTF support: <del>3,25</del> -3.75%.	<p>Provisional common understanding</p> <p><b>(iii)bis</b> for the JTF support: <del>3,25</del> 4%.</p>	IX-89	614
		<p><b>(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%.</b></p> <p><b>(v) for the EMFF support: 6 %.</b></p>	<p>Provisional common understanding</p> <p><b>(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%;</b></p> <p><b>(v) for the EMFF support: 6 %;</b></p> <p><b>(v bis) for programmes under the Investment for Jobs and Growth goal that concern only the outermost regions, the percentage shall be</b></p>	I-264 (BIS)	615

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
			<i>increased by 1% point.</i>		
		<i>5. Where the Union contribution for technical assistance is reimbursed pursuant to point (e) of Article 46, the following elements shall apply:</i>	<i>Provisional common understanding</i>  <i>5. Where the Union contribution for technical assistance is reimbursed pursuant to point (e) of Article 46, the following elements shall apply:</i>	I-265	616
		<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 programme except for programmes supported by the AMIF, the ISF and the BMVI for which it shall take the form of a specific objective;</i>	<i>Provisional common understanding</i>  <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 programme<sup>84</sup> except for programmes supported by the AMIF, the ISF and the BMVI for which it shall take the form of a specific objective;</i>	I-266	617
		<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>	<i>Provisional common understanding</i>  <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</i>	I-267	618

<sup>84</sup> 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 COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		<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>	<p><i>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>(iii)bis for the JTF support: 6%</i>	<i>(iii)bis for the JTF support: 3,75%</i>	<p><i>Provisional common understanding</i></p> <p><i>(iii)bis for the JTF support: 4%.</i></p>	IX-91	619
		<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>	<p><i>Provisional common understanding</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, 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> <p><i>(v bis) for programmes under the Investment for Jobs and Growth goal that concern only the outermost regions, the percentage shall be increased by 1% point.</i></p>	I-267 (BIS)	620

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		<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>	Provisional common understanding  <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	621
		<b>6. Specific rules for technical assistance for Interreg programmes shall be set out in the ETC Regulation.</b>	Provisional common understanding  <b>6. Specific rules for technical assistance for Interreg programmes shall be set out in the ETC Regulation.</b>	I-269	622
<i>Article 31 Flat-rate financing for technical assistance of Member States</i>	<i>[no change]</i>	<del>Article 31 Flat-rate financing for technical assistance of Member States</del>	Provisional common understanding  <del>Article 31 Flat-rate financing for technical assistance of Member States</del>	I-270	623
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 expenditure included in each payment application pursuant to Article 85(3)(a) or (c) as appropriate.	<i>[no change]</i>	<del>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 expenditure included in each payment application pursuant to Article 85(3)(a) or (c) as appropriate.</del>	Provisional common understanding  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 expenditure included in each payment application pursuant to Article 85(3)(a) or (c) as appropriate.	I-271	624
2. The percentage of the Funds reimbursed for technical assistance shall be the following:	<u>Amendment 207</u> <b>2. On the basis of an agreement between the Commission and the Member States and taking into account the programme</b>	<del>2. The percentage of the Funds reimbursed for technical assistance shall be the following:</del>	Provisional common understanding  <del>2. The percentage of the Funds reimbursed for technical assistance shall be the following:</del>	I-272	625

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>financial plan</i> , the percentage of the Funds reimbursed for technical assistance <del>may be up to</del> shall be the following:				
(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: <del>2,5%</del> 3 %;	<del>(a) for the ERDF support under the Investment for jobs and growth goal, and for the Cohesion Fund support: 2,5 %;</del>	Provisional common understanding  <del>(a) for the ERDF support under the Investment for jobs and growth goal, and for the Cohesion Fund support: 2,5 %;</del>	I-273	626
(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% <del>5 %</del> and for programmes under Article 4(1)(c)(vii) <del>4(1)(xi)</del> of the ESF+ Regulation: <del>5%</del> 6 %;	<del>(b) for the ESF+ support: 4% and for programmes under Article 4(1)(c)(vii) of the ESF+ Regulation: 5 %;</del>	Provisional common understanding  <del>(b) for the ESF+ support: 4% and for programmes under Article 4(1)(c)(vii) of the ESF+ Regulation: 5 %;</del>	I-274	627
(c) for the EMFF support: 6 %;	[no change]	<del>(e) for the EMFF support: 6 %;</del>	Provisional common understanding  <del>(e) for the EMFF support: 6 %;</del>	I-275	628
(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: <del>6%</del> 7 %.	<del>(d) for the AMIF, the ISF and the BMVI support: 6 %.</del>	Provisional common understanding  <del>(d) for the AMIF, the ISF and the BMVI support: 6 %.</del>	I-276	629
	<u>Amendment 211</u>  <i>For the outermost regions, for (a), (b), (c) the percentage shall be up to 1% higher.</i>		Provisional common understanding  [EP amendment withdrawn]	I-277	630
<b>(e) for the JTF support: 3,25%.</b>	<del>(e) for the JTF support: 3,25%.</del>	<del>(e) for the JTF support: 3,25%.</del>	Provisional common understanding  <del>(e) for the JTF support: 3,25%.</del>	I-277A	631
3. Specific rules for technical assistance for Interreg programmes shall be set out in	[no change]	<del>3. Specific rules for technical assistance for Interreg programmes shall be set out in</del>	Provisional common understanding	I-278	632

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
the ETC Regulation .		<del>the ETC Regulation .</del>	<del>3. Specific rules for technical assistance for Interreg programmes shall be set out in the ETC Regulation .</del>		
<i>Article 32</i> <i>Financing not linked to costs for technical assistance of Member States</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	I-279	633
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 <b>institutional</b> capacity of Member State <b>and efficiency of public</b> authorities <b>and services</b> , beneficiaries and relevant partners necessary for the effective administration and use of the Funds.	In addition to Article <del>31</del> <b>30</b> , 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>Provisional common understanding</i>  In addition to Article <del>31</del> <b>30</b> , the Member State may propose to undertake additional technical assistance actions to reinforce the capacity <b>and efficiency</b> of Member State <b>public</b> authorities <b>and bodies</b> , beneficiaries and relevant partners necessary for the effective administration and use of the Funds.	I-280	634
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. <b>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.</b>	Support for such actions shall be implemented by financing not linked to costs in accordance with Article 89. <b>Such support may also take the form of a specific programme containing the elements set out in Article 89(1).</b>	<i>Provisional common understanding</i>  Support for such actions shall be implemented by financing not linked to costs in accordance with Article 89. <b>Such support may also take the form of a specific programme.</b>	I-281	635
TITLE IV MONITORING, EVALUATION, COMMUNICATION AND VISIBILITY	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	III-2  <i>Link to Article 63(4a)</i>	636

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
CHAPTER I Monitoring	[no change]	[no change]	Provisional common understanding  [no change]	III-3	637
<i>Article 33 Monitoring committee</i>	[no change]	[no change]	Provisional common understanding  [no change]	III-4	638
1. The Member State shall set up a committee to monitor the implementation of the programme ('monitoring committee') within three months of the date of notification to the Member State concerned of the decision approving the programme.	<u>Amendment 214</u>  1. The Member State shall set up a committee to monitor the implementation of the programme ('monitoring committee'), <b>after consultation with the managing authority</b> , within three months of the date of notification to the Member State concerned of the decision approving the programme.	[no change]	Provisional common understanding  1. The Member State shall set up a committee to monitor the implementation of the programme ('monitoring committee'), <b>after consultation with the managing authority</b> , within three months of the date of notification to the Member State concerned of the decision approving the programme.	III-5	639
The Member State may set up a single monitoring committee to cover more than one programme.	[no change]	[no change]	Provisional common understanding  [no change]	III-6	640
2. Each monitoring committee shall adopt its rules of procedure.	<u>Amendment 215</u>  2. Each monitoring committee shall adopt its rules of procedure, <b>taking into account the need for full transparency</b> .	2. Each monitoring committee shall adopt its rules of procedure. <b>The rules of procedure of the monitoring committee shall include provisions regarding the prevention of any situation of conflict of interest.</b>	Provisional common understanding  2. Each monitoring committee shall adopt its rules of procedure, <b>which shall include provisions regarding the prevention of any conflict of interest and the application of the principle of transparency.</b>	III-7	641
3. The monitoring committee shall meet at least once a year and shall review all issues that affect the programme's progress	[no change]	[no change]	Provisional common understanding  [no change]	III-8	642

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
towards achieving its objectives.					
4. The Member State shall publish the rules of procedures of the monitoring committee and all the data and information shared with the monitoring committee on the website referred to in Article 44(1).	<i>[no change]</i>	4. The <del>Member State shall publish the</del> rules of procedures of the monitoring committee and <del>all the data and</del> information shared with the monitoring committee <b>shall be published</b> on the website referred to in Article 44(1).	<i>Provisional common understanding</i>  4. The <del>Member State shall publish the</del> rules of procedure of the monitoring committee and <del>all the data and</del> information shared with the monitoring committee <b>shall be published</b> on the website referred to in Article 44(1), <b>without prejudice to Article 63(4a)</b>	III-9	643
5. Paragraphs 1 to 4 shall not apply to programmes under Article [4(c)(vi)] of the ESF+ Regulation and related technical assistance.	<u>Amendment 216</u>  5. Paragraphs 1 to 4 shall not apply to programmes under Article <del>[4(c)(vi)]</del> <b>[4(1)(xi)]</b> of the ESF+ Regulation and related technical assistance.	5. Paragraphs 1 to 4 shall not apply to programmes <del>under</del> <b>limited to the specific objective set out in</b> Article <del>[4(e)(vi)]</del> <b>1(xi)</b> of the ESF+ Regulation and related technical assistance.	<i>Provisional common understanding</i>  5. Paragraphs 1 to 4 shall not apply to programmes <del>under</del> <b>limited to the specific objective set out in</b> Article <del>[4(e)(vi)]</del> <b>1(xi)</b> of the ESF+ Regulation and related technical assistance.	III-10	644
<i>Article 34</i> <i>Composition of the monitoring committee</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	III-11	645
1. The Member State shall determine the composition of the monitoring committee and shall ensure a balanced representation of the relevant Member State authorities and intermediate bodies and of representatives of the partners referred to in Article 6.	<u>Amendment 217</u>  1. The Member State shall determine the composition of the monitoring committee and shall ensure a balanced representation of the relevant Member State authorities and intermediate bodies and of representatives of the partners referred to in Article 6 <b>through a transparent process</b> .	<i>[no change]</i>	<i>Provisional common understanding</i>  1. The Member State shall determine the composition of the monitoring committee and shall ensure a balanced representation of the relevant Member State authorities and intermediate bodies and of representatives of the partners referred to in Article 6 <b>through a transparent process</b> .	III-12  <i>Link to recital (27)</i>	646
Each member of the monitoring committee shall have a vote.	<i>[no change]</i>	Each member of the monitoring committee <del>shall have a vote</del> <b>may have a</b>	<i>Provisional common understanding</i>	III-13	647



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		vote. Other participants may attend the meeting in accordance with the rules of procedure.	Each member of the monitoring committee shall have a vote. <b>The rules of procedures shall regulate the exercise of the voting right and the details on the procedure in the monitoring committee in accordance with the institutional, legal and financial framework of the Member State concerned.</b>  <b>The rules of procedure may allow non-members, including the EIB, to participate in the work of the monitoring committee.</b>		
The Member State shall publish the list of the members of the monitoring committee on the website referred to in Article 44(1).	<i>[no change]</i>	The <b>monitoring committee shall be chaired by a representative of the Member State shall publish or of the managing authority. The list of the members of the monitoring committee shall be published</b> on the website referred to in Article 44(1).	<i>Provisional common understanding</i>  The <b>monitoring committee shall be chaired by a representative of the Member State shall publish or of the managing authority.</b>  The list of the members of the monitoring committee <b>shall be published</b> on the website referred to in Article 44(1).	III-14	648
2. Representatives of the Commission shall participate in the work of the monitoring committee in an advisory capacity.	<u>Amendment 218</u>  2. Representatives of the Commission shall participate in the work of the monitoring committee in <b>a monitoring and</b> an advisory capacity. <b>Representatives of the EIB may be invited to participate in the work of the monitoring committee, in an advisory</b>	<i>[no change]</i>	<i>Provisional common understanding</i>  2. Representatives of the Commission shall participate in the work of the monitoring committee in <b>a monitoring and</b> an advisory capacity.  <i>Comment: 2nd part of AM covered by</i>	III-15	649

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>capacity, where appropriate.</i>		III-13		
	<u>Amendment 219</u>  <i>2a. For the AMIF, the ISF and the BMVI, relevant decentralised agencies shall participate in the work of the monitoring committee in an advisory capacity.</i>		Provisional common understanding  <b>2a. For the AMIF, the ISF and the BMVI, relevant decentralised agencies may participate in the work of the monitoring committee.</b>	III-16	650
<i>Article 35</i> <i>Functions of the monitoring committee</i>	[no change]	[no change]	Provisional common understanding  [no change]	III-17	651
1. The monitoring committee shall examine:	[no change]	[no change]	Provisional common understanding  [no change]	III-18  <i>Link to recital (34)</i>	652
(a) the progress in programme implementation and in achieving the milestones and targets;	[no change]	[no change]	Provisional common understanding  [no change]	III-19	653
	<u>Amendment 220</u>  <i>(aa) proposals for possible simplification measures for beneficiaries;</i>		Provisional common understanding  [no change]	III-20	654
(b) any issues that affect the performance of the programme and the measures taken to address those issues;	<u>Amendment 221</u>  (b) any issues that affect the performance of the programme and the measures taken to address those issues, <b>including also any irregularities, where appropriate;</b>	[no change]	Provisional common understanding  [no change]	III-21	655

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
(c) the contribution of the programme to tackling the challenges identified in the relevant country-specific recommendations;	<i>[no change]</i>	(c) the contribution of the programme to tackling the challenges identified in the relevant country-specific recommendations, <b>where applicable</b> ;	<i>Provisional common understanding</i>  (c) the contribution of the programme to tackling the challenges identified in the relevant country-specific recommendations <b>that are linked to the implementation of the programme</b> ;	III-22	656
(d) the elements of the <i>ex ante</i> assessment listed in Article 52(3) and the strategy document referred to in Article 53(2);	<i>[no change]</i>	(d) the elements of the <i>ex ante</i> assessment listed in Article 52(3) and the strategy document referred to in Article 53( <del>2</del> 1);	<i>Provisional common understanding</i>  (d) the elements of the <i>ex ante</i> assessment listed in Article 52(3) and the strategy document referred to in Article 53( <del>2</del> 1);	III-23	657
(e) the progress made in carrying out evaluations, syntheses of evaluations and any follow-up given to findings;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	III-24	658
(f) the implementation of communication and visibility actions;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	III-25	659
(g) the progress in implementing operations of strategic importance, where relevant;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	III-26	660
(h) the fulfilment of enabling conditions and their application throughout the programming period;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	III-27	661
(i) the progress in administrative capacity building for public institutions and beneficiaries, where relevant.	<u>Amendment 222</u>  (i) the progress in administrative capacity building for public institutions, <b>partners</b> and beneficiaries, where	<i>[no change]</i>	<i>Provisional common understanding</i>  (i) the progress in administrative capacity building for public institutions, <b>partners</b> and beneficiaries, where	III-28	662

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	relevant.		relevant.		
		<b>(j) information regarding the implementation of the programme's contribution to [Invest EU] in accordance with Article 10 or of the resources transferred in accordance with Article 21, where applicable.</b>	<i>Provisional common understanding</i> <b>(j) information regarding the implementation of the programme's contribution to [Invest EU] in accordance with Article 10 or of the resources transferred in accordance with Article 21, where applicable.</b>	III-29	663
		<b>As regards the programmes supported by the EMFF, the monitoring committee shall be consulted and shall, if it considers it appropriate, give an opinion on any amendment of the programme proposed by the managing authority.</b>	<i>Provisional common understanding</i> <b>As regards the programmes supported by the EMFF, the monitoring committee shall be consulted and shall, if it considers it appropriate, give an opinion on any amendment of the programme proposed by the managing authority.</b>	III-30	664
2. The monitoring committee shall approve:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	III-31	665
(a) the methodology and criteria used for the selection of operations, including any changes thereto, after consultation with the Commission pursuant to Article 67(2), without prejudice to points (b), (c) and (d) of Article 27(3);	<i>[no change]</i>	(a) the methodology and criteria used for the selection of operations, including any changes thereto, <del>after consultation with the Commission pursuant to Article 67(2),</del> without prejudice to points (b), (c) and (d) of Article 27(3);	<i>Provisional common understanding</i> (a) the methodology and criteria used for the selection of operations, including any changes thereto, <del>after consultation with the Commission pursuant to Article 67(2),</del> without prejudice to points (b), (c) and (d) of Article 27(3); <b>At the request of the Commission, the</b>	III-32	666

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<b>methodology and criteria used for the selection of operations, including any changes thereto, shall be submitted to the Commission at least 15 working days prior to their submission to the monitoring committee.</b>		
(b) the annual performance reports for programmes supported by the EMFF, the AMF, the ISF and the BMVI, and the final performance report for programmes supported by the ERDF, the ESF+ and the Cohesion Fund;	<u>Amendment 224</u>  (b) the annual performance reports for programmes supported by the EMFF, the <del>AMF</del> <b>AMIF</b> , the ISF and the BMVI, and the final performance report for programmes supported by the ERDF, the ESF+ and the Cohesion Fund;	(b) <del>the annual performance reports for programmes supported by the EMFF, the AMF, the ISF and the BMVI, and the final performance report for programmes supported by the ERDF, the ESF+ and the Cohesion Fund</del> <b>Funds</b> ;	<i>Provisional common understanding</i>  (b) the annual performance reports for programmes supported by the <del>EMFF, AMF</del> <b>AMIF</b> , the ISF and the BMVI, and the final performance report for programmes supported by <b>the EMFF</b> , the ERDF, the ESF+ and the Cohesion Fund.	III-33F	667
(b) the annual performance reports for programmes supported by the EMFF, the AMF, the ISF and the BMVI, and the final performance report for programmes supported by the ERDF, the ESF+, and the Cohesion Fund <b>and the JTF</b> ;	(b) the annual performance reports for programmes supported by the EMFF, the <del>AMF</del> <b>AMIF</b> , the ISF and the BMVI, and the final performance report for programmes supported by the ERDF, the ESF+, the Cohesion Fund and the JTF;	"(b) <del>the annual performance reports for programmes supported by the EMFF, the AMF, the ISF and the BMVI, and the final performance report for programmes supported by the ERDF, the ESF+, the Cohesion Fund and the JTF</del> <b>Funds</b> ;	<i>Provisional common understanding</i>  (b) the annual performance reports for programmes supported by the <del>EMFF, AMF</del> <b>AMIF</b> , the ISF and the BMVI, and the final performance report for programmes supported by <b>the EMFF</b> , the ERDF, the ESF+, and the Cohesion Fund and the JTF.	IX-93	668
(c) the evaluation plan and any amendment thereto;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	III-34	669
(d) any proposal by the managing authority for the amendment of a programme including for transfers in accordance with Article 19(5) and Article 21.	<i>[no change]</i>	(d) any proposal by the managing authority for the amendment of a programme including for transfers in accordance with Article 19(5) and Article 21, <b>with the exception of programmes</b>	<i>Provisional common understanding</i>  (d) any proposal by the managing authority for the amendment of a programme including for transfers in accordance with Article 19(5) and	III-35	670

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		<b>supported by the EMFF</b>	Article 21, with the exception of programmes supported by the EMFF.		
	<u>Amendment 225</u>  <i>(da) changes to the list of planned operations of strategic importance referred to in point (d) of Article 17(3);</i>		<i>Provisional common understanding</i>  <i>[EP amendment withdrawn].</i>	III-36	671
	<u>Amendment 226</u>  <i>2a. The monitoring committee may propose to the managing authority further functions of intervention.</i>		<i>Provisional common understanding</i>  <b>2a. The monitoring committee may make recommendations to the managing authority, including on measures to reduce the administrative burden for beneficiaries.</b>	III-37	672
<i>Article 36</i> <i>Annual performance review</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	III-38	673
1. An annual review meeting shall be organised between the Commission and each Member State to examine the performance of each programme.	<u>Amendment 227</u>  1. An annual review meeting shall be organised between the Commission and each Member State to examine the performance of each programme. <b><i>Managing authorities shall be duly involved in this process.</i></b>	1. <del>An annual review meeting</del> <b>Review meetings</b> shall be organised between the Commission and each Member State to examine the performance of each programme.	<i>Provisional common understanding</i>  1. <del>An annual review meeting</del> <b>Review meetings</b> shall be organised between the Commission and each Member State to examine the performance of each programme <b>once a year. Relevant managing authorities shall participate in the review meetings.</b>	III-39	674
The annual review meeting shall be chaired by the Commission or, if the Member State so requests, co-chaired by the Member State and the Commission.	<i>[no change]</i>	<b>The review meeting may cover more than one programme.</b>  The <del>annual</del> review meeting shall be chaired by the Commission or, if the Member State so requests, co-chaired by	<i>Provisional common understanding</i>  <b>The review meeting may cover more than one programme.</b>  The <del>annual</del> review meeting shall be chaired by the Commission or, if the	III-40	675

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		the Member State and the Commission.	Member State so requests, co-chaired by the Member State and the Commission.		
2. For programmes supported by the AMIF, the ISF and the BMVI, the review meeting shall be organised at least twice during the programming period.	<i>[no change]</i>	2. For programmes supported by the AMIF, the ISF and the BMVI Funds, the review meeting shall be organised at least twice during the programming period annually. <b>The Member State and the Commission may agree not to organise an annual review meeting. In this case, the review may be carried out in writing.</b>	<i>Provisional common understanding</i>  2. <b>By way of derogation from the first subparagraph of paragraph 1, for</b> programmes supported by the AMIF, the ISF and the BMVI, the review meeting shall be organised at least twice during the programming period.	III-41	676
3. For programmes supported by the ERDF, the ESF+ and the Cohesion Fund, the Member State shall no later than one month before the annual review meeting provide the Commission with the information on the elements listed in Article 35(1).	<i>[no change]</i>	3. For programmes supported by the ERDF, the ESF+ and the Cohesion Fund Funds, the Member State shall no later than one month before the annual review meeting provide the Commission with <del>the</del> <b>concise and updated</b> information <del>on</del> <b>related to the elements listed in Article 35(1) programme implementation.</b>	<i>Provisional common understanding</i>  For programmes supported by <b>the EMFF</b> , the ERDF, the ESF+ and the Cohesion Fund, the Member State shall no later than one month before the annual review meeting provide the Commission with <del>the</del> <b>concise</b> information on the elements listed in Article 35(1). <b>This information shall be based on the most recent data available to the Member State.</b>  <b>The Member State and the Commission may agree not to organise a review meeting. In this case, the review may be carried out in writing.</b>	III-42F	677
3. For programmes supported by the ERDF, the ESF+, and the Cohesion Fund <b>and the JTF</b> , the Member State shall no later than one month before the annual review meeting provide the Commission with the information on the elements listed	3. For programmes supported by the ERDF, the ESF+ the Cohesion Fund and the JTF, the Member State shall no later than one month before <del>annual</del> the review meeting provide the Commission with <b>concise</b> <del>the</del> information on the elements	3. For programmes supported by the ERDF, the ESF+, the Cohesion Fund and the JTF Funds, the Member State shall no later than one month before the annual review meeting provide the Commission with <del>the</del> <b>concise and updated</b>	<i>Provisional common understanding</i>  3. For programmes supported by <b>the EMFF</b> , the ERDF, the ESF+, the Cohesion Fund and the JTF, the Member State shall no later than one month	IX-95	678

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
in Article 35(1).	listed in Article 35(1). <b><i>That information shall be based on the most recent data available to the Member State.</i></b>	information <del>on</del> <b>related to the elements listed progress in Article 35(1) programme implementation.</b>	before the <del>annual</del> review meeting provide the Commission with <del>the</del> <b>concise information on the elements listed in Article 35(1). This information shall be based on the most recent data available to the Member State.</b>  <b>The Member State and the Commission may agree not to organise a review meeting. In this case, the review may be carried out in writing.</b>		
For programmes under Article [4(1)(c)(vii)] of the ESF+ Regulation, the information to be provided shall be limited to points (a), (b), (e), (f) and (h) of Article 35(1).	[no change]	<del>For programmes under Article [4(1)(c)(vii)] of the ESF+ Regulation, the information to be provided shall be limited to points (a), (b), (e), (f) and (h) of Article 35(1).</del>	Provisional common understanding  For programmes <b>limited to the specific objective set out in</b> <del>under</del> Article [4(1)( <del>xi</del> )(vii)] of the ESF+ Regulation, the information to be provided, <b>based on the most recent data available</b> , shall be limited to points (a), (b), (e), (f) and (h) of Article 35(1).	III-43	679
4. The outcome of the annual review meeting shall be recorded in agreed minutes.	[no change]	[no change]	Provisional common understanding  4. The outcome of the <del>annual</del> review meeting shall be recorded in agreed minutes.	III-44	680
5. The Member State shall follow up issues raised by the Commission and inform the Commission within three months of the measures taken.	[no change]	5. The Member State shall follow up issues raised <del>by the Commission</del> <b>during the meeting, which significantly affect the implementation of the programme</b> and inform the Commission within three months of the measures taken.	Provisional common understanding  5. The Member State shall follow up issues raised <del>by the Commission</del> <b>during the review meeting which affect the implementation of the programme</b> and inform the Commission within three months of the measures taken.	III-45	681



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
6. For programmes supported by the EMFF, the AMF, the ISF and the BMVI, the Member State shall submit an annual performance report in accordance with the Fund-specific Regulations.	<u>Amendment 228</u> 6. For programmes supported by the EMFF, the <del>AMF</del> <b>AMIF</b> , the ISF and the BMVI, the Member State shall submit an annual performance report in accordance with the Fund-specific Regulations.	<del>6. For programmes supported by the EMFF, the AMF, the ISF and the BMVI, the Member State shall submit an annual performance report in accordance with the Fund-specific Regulations.</del>	Provisional common understanding 6. For programmes supported by <del>the EMFF, the AMF</del> <b>AMIF</b> , the ISF and the BMVI, the Member State shall submit an annual performance report in accordance with the Fund-specific Regulations.	III-46	682
<i>Article 37</i> <i>Transmission of data</i>	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	III-47	683
1. The managing authority shall electronically transmit to the Commission cumulative data for each programme by 31 January, 31 March, 31 May, 31 July, 30 September and 30 November of each year in accordance with the template set out in Annex VII.	<i>[no change]</i>	1. The <b>Member State or the</b> managing authority shall electronically transmit to the Commission cumulative data for each programme by 31 January, <del>31 March, 31 May</del> <b>30 April</b> , 31 July, <del>30 September and 30 November</del> <b>31 October</b> of each year in accordance with the template set out in Annex VII, <b>with the exception of the information required in point (b) of paragraph 2 and in paragraph 3 that should be reported by 31 January and 31 July of each year.</b>	Provisional common understanding 1. The <b>Member State or the</b> managing authority shall electronically transmit to the Commission cumulative data for each programme by 31 January, <del>31 March, 31 May</del> <b>30 April</b> , 31 July, 30 September and 30 November of each year, <b>with the exception of the data required in point (b) of paragraph 2 and in paragraph 3 that shall be electronically transmitted by 31 January and 31 July of each year</b> , in accordance with the template set out in Annex VII.	III-48 <i>Link to recital (29)</i>	684
The first transmission shall be due by 31 January 2022 and the last one by 31 January 2030.	<u>Amendment 229</u> The first transmission shall be due by <del>31 January</del> <b>28 February</b> 2022 and the last one by <del>31 January</del> <b>28 February</b> 2030.	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	III-49	685
For programmes under Article 4(1)(c)(vii) of the ESF+ Regulation, data shall be transmitted annually by 30 November.	<u>Amendment 230</u> For programmes under Article <del>4(1)(c)(vii)</del> <b>4(1)(xi)</b> of the ESF+	For <del>programmes under priorities supporting the specific objective set out in Article 4(1)(e)(viii)</del> <b>programmes under priorities supporting the specific objective set out in Article 4(1)(e)(viii)</b> of the ESF+ Regulation, data shall be -transmitted	Provisional common understanding For <del>programmes under priorities supporting the specific objective set</del> <b>programmes under priorities supporting the specific objective set</b>	III-50	686

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	Regulation, data shall be transmitted annually by 30 November.	annually by 30 November.	<b>out in</b> Article 4(1)(e)( <del>viii</del> ) of the ESF+ Regulation, data shall be transmitted annually by <b>31 January</b> .		
		<b>The ESF+ Regulation may determine specific rules for the frequency of collecting and transmitting long-term result indicators.</b>	<i>Provisional common understanding</i> <b>[The ESF+ Regulation may determine specific rules for the frequency of collecting and transmitting longer-term result indicators.]</b> <i>To be aligned with the ESF+ Regulation.</i>	III-51	687
2. The data shall be broken down for each priority by specific objective and by category of regions, and shall refer to:	<i>[no change]</i>	2. The data shall be broken down for each priority by specific objective and, <b>where relevant</b> , by category of regions; and shall refer to:	<i>Provisional common understanding</i> 2. The data shall be broken down for each priority by specific objective and, <b>where relevant</b> , by category of regions; and shall refer to:	III-52	688
(a) the number of selected operations, their total eligible cost, the contribution from the Funds and the total eligible expenditure declared by the beneficiaries to the managing authority, all broken down by types of intervention;	<u>Amendment 231</u> <b>(a) in the data transmissions due by 31 January, 31 March, 31 May, 31 July, 30 September and 30 November of each year</b> , the number of selected operations, their total eligible cost, the contribution from the Funds and the total eligible expenditure declared by the beneficiaries to the managing authority, all broken down by types of intervention;	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	III-53	689
(b) the values of output and result indicators for selected operations and values achieved by operations.	<u>Amendment 232</u> <b>(b) in the data transmissions due by 31 May and 30 November of each year only</b> , the values of output and result	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	III-54 <i>Link to recital (28)</i>	690

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
	indicators for selected operations and values achieved by operations.				
3. For financial instruments data shall also be provided on the following:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	III-55	691
(a) eligible expenditure by type of financial product;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	III-56	692
(b) amount of management costs and fees declared as eligible expenditure;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	III-57	693
(c) the amount, by type of financial product, of private and public resources mobilised in addition to the Funds;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	III-58	694
(d) interest and other gains generated by support from the Funds to financial instruments referred to in Article 54 and resources returned attributable to support from the Funds as referred to in Article 56.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	III-59	695
		<b>(e) total value of loans, equity or quasi-equity investments in final recipients which were guaranteed with programme resources and which were actually disbursed to final recipients.</b>	<i>Provisional common understanding</i>  <b>(e) total value of loans, equity or quasi-equity investments in final recipients which were guaranteed with programme resources and which were actually disbursed to final recipients.</b>	III-60	696
4. The data submitted in accordance with this Article shall be reliable and up-to-date as of the end of the month preceding the month of submission.	<i>[no change]</i>	4. The data submitted in accordance with this Article shall be reliable and <del>up-to-date</del> <b>reflect the data available in the electronic system referred to in Article</b>	<i>Provisional common understanding</i>  4. The data submitted in accordance with this Article shall be reliable and <del>up-to-date</del> <b>reflect the data stored</b>	III-61	697

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		66 (1)(e) as of the end of the month preceding the month of submission.	electronically as referred to in Article 66 (1)(e) as of the end of the month preceding the month of submission.		
5. The managing authority shall publish all the data transmitted to the Commission on the website referred to in Article 44(1).	[no change]	5. The <b>Member State or the</b> managing authority shall publish <b>or provide a link to</b> all the data transmitted to the Commission on the website referred to in <b>point (b) of Article 41 or on the website referred to in</b> Article 44(1).	<i>Provisional common understanding</i> 5. The <b>Member State or the</b> managing authority shall publish <b>or provide a link to</b> all the data transmitted to the Commission on the website <b>portal</b> referred to in <b>point (b) of Article 41 or on the website referred to in</b> Article 44(1).	III-62	698
6. For programmes supported by the EMFF, the Commission shall adopt an implementing act in accordance with the advisory procedure referred to in Article 109(2) in order to establish the template to be used for the implementation of this Article.	[no change]	<del>6. For programmes supported by the EMFF, the Commission shall adopt an implementing act in accordance with the advisory procedure referred to in Article 109(2) in order to establish the template to be used for the implementation of this Article.</del>	<i>Provisional common understanding</i> <del>6. For programmes supported by the EMFF, the Commission shall adopt an implementing act in accordance with the advisory procedure referred to in Article 109(2) in order to establish the template to be used for the implementation of this Article.</del>	III-63	699
<i>Article 38</i> <i>Final performance report</i>	[no change]	[no change]	<i>Provisional common understanding</i>  [no change]	III-64	700
1. For programmes supported by the ERDF, the ESF+ and the Cohesion Fund, each managing authority shall submit to the Commission a final performance report of the programme by 15 February 2031.	[no change]	1. For programmes supported by the <del>ERDF, the ESF+ and the Cohesion Fund</del> <b>Funds</b> , each managing authority shall submit to the Commission a final performance report of the programme by 15 February [2031].	<i>Provisional common understanding</i> 1. For programmes supported by <b>the EMFF</b> , the ERDF, the ESF+ and the Cohesion Fund, each managing authority shall submit to the Commission a final performance report of the programme by 15 February [2031].	III-65F	701

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
1. For programmes supported by the ERDF, the ESF+, <del>and</del> the Cohesion Fund and <b>the JTF</b> , each managing authority shall submit to the Commission a final performance report of the programme by 15 February 2031.	<i>[no change]</i>	1. For programmes supported by the <del>ERDF, the ESF+, the Cohesion Fund and the JTF Funds</del> , each managing authority shall submit to the Commission a final performance report of the programme by 15 February 2031.	<i>Provisional common understanding</i>  1. For programmes supported by <b>the EMFF</b> , the ERDF, the ESF+, <del>and</del> the Cohesion Fund and the JTF, each managing authority shall submit to the Commission a final performance report of the programme by 15 February 2031.	IX-97	702
2. The final performance report shall assess the achievement of programme objectives based on the elements listed in Article 35(1) with the exception of the information provided under Article 35(1)(d).	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	III-66	703
3. The Commission shall examine the final performance report and inform the managing authority of any observations within five months of the date of receipt of the final performance report. Where such observations are made, the managing authority shall provide all necessary information with regard to those observations and, where appropriate, inform the Commission, within three months, of measures taken. The Commission shall inform the Member State of the acceptance of the report.	<i>[no change]</i>	3. The Commission shall examine the final performance report and inform the managing authority of any observations within five months of the date of receipt of the final performance report. Where such observations are made, the managing authority shall provide all necessary information with regard to those observations and, where appropriate, inform the Commission, within three months, of measures taken. The Commission shall inform the <b>managing authority and the Member State</b> of the acceptance of the report-, <b>within two months after receiving all necessary information from the managing authority. Where the Commission does not inform the managing authority within those deadlines, the report shall</b>	<i>Provisional common understanding</i>  3. The Commission shall examine the final performance report and inform the managing authority of any observations within five months of the date of receipt of the final performance report. Where such observations are made, the managing authority shall provide all necessary information with regard to those observations and, where appropriate, inform the Commission, within three months, of measures taken. The Commission shall inform <del>the Member State</del> <b>the managing authority</b> of the acceptance of the report-, <b>within two months of receiving all necessary information. Where the Commission does not inform the managing authority within those deadlines, the</b>	III-67	704

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		<b>be deemed to be accepted.</b>	<b>report shall be deemed to be accepted.</b>		
4. The managing authority shall publish final performance reports on the website referred to in Article 44(1).	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	III-68	705
5. The Commission shall, in order to ensure uniform conditions for the implementation of this Article, adopt an implementing act establishing the template for the final performance report. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 108.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	III-69	706
CHAPTER II Evaluation	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	III-70	707
<i>Article 39 Evaluations by the Member State</i>	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	III-71	708
1. The managing authority shall carry out evaluations of the programme. Each evaluation shall assess the programme's effectiveness, efficiency, relevance, coherence and EU added value with the aim to improve the quality of the design and implementation of programmes.	<u>Amendment 233</u>  1. The managing authority shall carry out evaluations of the programme. Each evaluation shall assess the programme's <b><i>inclusiveness, non-discriminatory nature</i></b> , effectiveness, efficiency, relevance, coherence, <b><i>visibility</i></b> and EU added value with the aim to improve the quality of the design and implementation of programmes.	1. The managing authority <b>or the Member State</b> shall carry out evaluations of the programme. <del>Each evaluation shall assess the programme's</del> <b>programmes related to one or more of the following criteria:</b> effectiveness, efficiency, relevance, coherence and EU added value with the aim to improve the quality of the design and implementation of programmes. <b>Evaluations may also cover other relevant criteria and may cover more than one programme.</b>	Provisional common understanding  1. The <b>Member State or the</b> managing authority shall carry out evaluations of the programme. <del>Each evaluation shall assess the programme's</del> <b>programmes related to one or more of the following criteria:</b> effectiveness, efficiency, relevance, coherence and EU added value with the aim to improve the quality of the design and implementation of programmes. <b>Evaluations may also cover other relevant criteria, such as inclusiveness, non-discrimination and</b>	III-72	709

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<b>visibility, and may cover more than one programme.</b>		
2. In addition, the managing authority shall carry out an evaluation for each programme to assess its impact by 30 June 2029.	<i>[no change]</i>	2. In addition, <del>the managing authority shall carry out an evaluation for each programme to assess its impact</del> <b>shall be carried out</b> by 30 June 2029.	<i>Provisional common understanding</i> 2. In addition, <del>the managing authority shall carry out an evaluation for each programme to assess its impact</del> <b>shall be carried out</b> by 30 June 2029.	III-73	710
3. The managing authority shall entrust evaluations to functionally independent experts.	<i>[no change]</i>	3. <del>The managing authority</del> <b>Evaluations</b> shall <del>entrust evaluations</del> <b>be entrusted</b> to <b>internal or external experts</b> functionally independent <del>experts</del> .	<i>Provisional common understanding</i> 3. <del>The managing authority</del> <b>Evaluations</b> shall <del>entrust evaluations</del> <b>be entrusted</b> to <b>internal or external experts who are</b> functionally independent <del>experts</del> .	III-74	711
4. The managing authority or the Member State shall ensure the necessary procedures to produce and collect the data necessary for evaluations.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	III-75	712
5. The managing authority or the Member State shall draw up an evaluation plan. That evaluation plan may cover more than one programme. For the AMIF, the ISF and the BMVI, that plan shall include a mid-term evaluation to be completed by 31 March 2024.	<i>[no change]</i>	5. The managing authority or the Member State shall draw up an evaluation plan. <del>That evaluation plan</del> <b>which</b> may cover more than one programme. For the AMIF, the ISF and the BMVI, that plan shall include a mid-term evaluation to be completed by 31 March 2024.	<i>Provisional common understanding</i> 5. The managing authority or the Member State shall draw up an evaluation plan. <del>That evaluation plan</del> <b>which</b> may cover more than one programme. For the AMIF, the ISF and the BMVI, that plan shall include a mid-term evaluation to be completed by 31 March 2024.	III-76	713
6. The managing authority shall submit the evaluation plan to the monitoring committee no later than one year after the approval of the programme.	<i>[no change]</i>	6. The managing authority <b>or the Member State</b> shall submit the evaluation plan to the monitoring committee no later than one year after the approval of the	<i>Provisional common understanding</i> 6. The <b>Member State or the</b> managing authority shall submit the evaluation plan	III-77	714

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		programme.	to the monitoring committee no later than one year after the approval of the programme.		
7. The managing authority shall publish all evaluations on the website referred to in Article 44(1).	<i>[no change]</i>	<del>7. The managing authority shall publish all</del> <b>All evaluations shall be published</b> on the website referred to in Article 44(1).	<i>Provisional common understanding</i> <del>7. The managing authority shall publish all</del> <b>All evaluations shall be published</b> on the website referred to in Article 44(1).	III-78	715
<i>Article 40</i> <i>Evaluation by the Commission</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	III-79 <i>Link to recital (30)</i>	716
1. The Commission shall carry out a mid-term evaluation to examine the effectiveness, efficiency, relevance, coherence and EU added value of each Fund by the end of 2024. The Commission may make use of all relevant information already available in accordance with Article [128] of the Financial Regulation.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	III-80	717
2. The Commission shall carry out a retrospective evaluation to examine the effectiveness, efficiency, relevance, coherence and EU added value of each Fund by 31 December 2031.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding (with fine-tuning at technical level)</i>  2. The Commission shall carry out a retrospective evaluation to examine the effectiveness, efficiency, relevance, coherence and EU added value of each Fund by 31 December 2031. <b>In the case of the ERDF, the ESF+, the Cohesion Fund and the EMFF, this evaluation shall focus in particular on the social, economic and territorial impact of</b>	III-81	718



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			those funds in relation to the policy objectives referred to in Article 4(1).		
	<p><u>Amendment 234</u></p> <p><b>2a. The evaluation referred to in paragraph 2 shall include an evaluation of the socio-economic impact and the funding needs under the policy objectives referred to in Article 4(1), within and among the programmes with a focus on a more competitive and smarter Europe by promoting innovative and smart economic transformation and a more connected Europe by enhancing mobility, including smart and sustainable mobility and regional ICT connectivity. The Commission shall publish the results of the evaluation on its website and communicate those results to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.</b></p>		<p><i>Provisional common understanding</i></p> <p><b>2a. The Commission shall publish the results of the retrospective evaluation on its website and communicate those results to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.</b></p> <p><i>Comment: first part of the EP AM covered in line III-81</i></p>	III-82	719
CHAPTER III Visibility, transparency and communication	<i>[no change]</i>	<i>[no change]</i>	<p><i>Provisional common understanding</i></p> <p><i>[no change]</i></p>	III-83	720
Section I Visibility of support from the Funds	<i>[no change]</i>	<i>[no change]</i>	<p><i>Provisional common understanding</i></p> <p><i>[no change]</i></p>	III-84	721
<i>Article 41</i> <i>Visibility</i>	<i>[no change]</i>	<i>[no change]</i>	<p><i>Provisional common understanding</i></p> <p><i>[no change]</i></p>	III-85	722

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
Each Member State shall ensure:	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	III-86	723
(a) the visibility of support in all activities relating to operations supported by the Funds with particular attention to operations of strategic importance;	<i>[no change]</i>	(a) the visibility of support in all activities relating to operations supported by the Funds with particular attention to operations of strategic importance;	Provisional common understanding  <i>[no change]</i>	III-87	724
(b) communication to Union citizens of the role and achievements of the Funds through a single website portal providing access to all programmes involving that Member State.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	III-88	725
<i>Article 42</i> <i>Emblem of the Union</i>	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	III-89	726
Member States, managing authorities and beneficiaries shall use the emblem of the European Union in accordance with Annex VIII when carrying out visibility, transparency and communication activities.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	III-90	727
<i>Article 43</i> <i>Communication officers and networks</i>	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	III-91	728
1. Each Member State shall identify a communication coordinator for visibility, transparency and communication activities in relation to the support from the Funds, including programmes under the European territorial cooperation goal (Interreg) where that Member State hosts the	<i>[no change]</i>	1. Each Member State shall identify a communication coordinator for visibility, transparency and communication activities in relation to the support from the Funds, including programmes under the European territorial cooperation goal (Interreg) where that Member State hosts	Provisional common understanding  1. Each Member State shall identify a communication coordinator for visibility, transparency and communication activities in relation to the support from the Funds, including programmes under	III-92	729

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
managing authority. The communication coordinator shall coordinate communication and visibility measures across programmes.		the managing authority. The communication coordinator <b>may be appointed at the level of the body defined under Article 65(6)</b> and shall coordinate communication and visibility measures across <b>programmes. This coordination may be done through a communication strategy covering some or all programmes.</b>	the European territorial cooperation goal (Interreg) where that Member State hosts the managing authority. The communication coordinator <b>may be appointed at the level of the body defined under Article 65(6)</b> and shall coordinate communication and visibility measures across programmes.		
The communication coordinator shall involve in the visibility, transparency and communication activities the following bodies:	<i>[no change]</i>	The communication coordinator shall involve in the visibility, transparency and communication activities the following bodies, <b>where appropriate:</b>	<i>Provisional common understanding</i> <i>[no change]</i>	III-93	730
(a) European Commission Representations and European Parliament Liaison Offices in the Member States; as well as Europe Direct Information Centres and other networks; educational and research institutions;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  (a) European Commission Representations and European Parliament Liaison Offices in the Member States, as well as Europe Direct Information Centres and other <b>relevant</b> networks, educational and research institutions;	III-94	731
(b) other relevant partners and bodies.	<u>Amendment 235</u>  (b) other relevant partners and bodies, <b>including regional, local and other public authorities, and economic and social partners.</b>	<i>[no change]</i>	<i>Provisional common understanding</i>  (b) other relevant partners and bodies <b>as referred to in Article 6.</b>	III-95	732
2. Each managing authority shall identify a communication officer for each programme ('programme communication officer').	<i>[no change]</i>	2. Each managing authority shall identify a communication officer for each programme ('programme communication officer'), <b>which may be responsible for</b>	<i>Provisional common understanding</i>  2. Each managing authority shall identify a communication officer for each programme ('programme communication	III-96	733

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		<b>more than one programme.</b>	officer'?). <b>A communication officer may be responsible for more than one programme.</b>		
3. The Commission shall run a network comprising communication coordinators, programme communication officers and Commission representatives to exchange information on visibility, transparency and communication activities.	<i>[no change]</i>	3. The Commission shall <del>run a</del> <b>maintain</b> the network comprising communication coordinators, programme communication officers and Commission representatives to exchange information on visibility, transparency and communication activities.	<i>Provisional common understanding</i> 3. The Commission shall <del>run a</del> <b>maintain</b> the network comprising communication coordinators, programme communication officers and Commission representatives to exchange information on visibility, transparency and communication activities.	III-97	734
Section II Transparency of implementation of the Funds and communication on programmes	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	III-98	735
<i>Article 44</i> <i>Responsibilities of the managing authority</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	III-99	736
1. The managing authority shall ensure that, within six months of the programme's approval, there is a website where information on programmes under its responsibility is available, covering the programme's objectives, activities, available funding opportunities and achievements.	<u>Amendment 236</u> 1. The managing authority shall ensure that, within six months of the programme's approval, there is a website where information on programmes under its responsibility is available, covering the programme's objectives, activities, <b>indicative timetable for calls for proposals</b> , available funding opportunities and achievements.	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	III-100	737
2. The managing authority shall publish on the website referred to in paragraph 1, at the latest one month before the opening of	<i>[no change]</i>	2. The managing authority shall <del>publish</del> <b>ensure the publishing</b> on the website referred to in paragraph 1, <del>at the</del>	<i>Provisional common understanding:</i> 2. The managing authority shall	III-101	738

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
a call for proposal, a short summary of planned and published calls for proposals with the following data:		<del>latest one month before</del> <b>on the opening single website portal referred to in point (b) of Article 41, a call for proposal, a short summary timetable of the planned and published calls for proposals that should be updated at least twice a year</b> with the following indicative data:	<del>publish</del> <b>ensure the publishing</b> on the website referred to in paragraph 1, <del>at the latest one month before</del> <b>on the opening single website portal referred to in point (b) of Article 41, a call for proposal, a short summary timetable of the planned and published calls for proposals that should be updated at least three times a year</b> with the following indicative data:		
(a) geographical area covered by the call for proposal;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	III-102	739
(b) policy objective or specific objective concerned;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	III-103	740
(c) type of eligible applicants;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	III-104	741
(d) total amount of support for the call;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	III-105	742
(e) start and end date of the call.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	III-106	743
3. The managing authority shall make the list of operations selected for support by the Funds publicly available on the website in at least one of the official languages of the Union and shall update that list at least every three months. Each operation shall	<i>[no change]</i>	3. The managing authority shall make the list of operations selected for support by the Funds publicly available on the website in at least one of the official languages of the Union and shall update that list at least every <del>three</del> <b>six</b> months.	<i>Provisional common understanding</i> 3.The managing authority shall make the list of operations selected for support by the Funds publicly available on the website in at least one of the official languages of the Union and shall update	III-107	744

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
have a unique code. The list shall contain the following data:		Each operation shall have a unique code. The list shall contain the following data:	that list at least every <del>three</del> <b>four</b> months. Each operation shall have a unique code. The list shall contain the following data:		
(a) in the case of legal entities, the beneficiary's name;	<u>Amendment 237</u>  (a) in the case of legal entities, the beneficiary's <b>and the contractor's</b> name;	<i>[no change]</i>	<i>Provisional common understanding</i>  (a) in the case of legal entities, the beneficiary's <b>and, in the case of public procurement, the contractor's</b> name;	III-108	745
(b) where the beneficiary is a natural person the first name and the surname;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	III-109	746
(c) for EMFF operations linked to a fishing vessel, the Union fishing fleet register identification number as referred to in Commission Implementing Regulation (EU) 2017/218 <sup>85</sup> ;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	III-110	747
(d) name of the operation;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	III-111	748
(e) the purpose of the operation and its achievements;	<i>[no change]</i>	(e) the purpose of the operation and its <b>expected</b> achievements;	<i>Provisional common understanding</i>  (e) the purpose of the operation and its <b>expected or actual</b> achievements;	III-112	749
(f) start date of the operation;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	III-113	750
(g) expected or actual date of completion of the operation;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>	III-114	751

<sup>85</sup> Commission Implementing Regulation (EU) 2017/218 of 6 February 2017 on the Union fishing fleet register (OJ L 34, 9.2.2017, p. 9).

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
			<i>[no change]</i>		
(h) total cost of the operation;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	III-115	752
(i) Fund concerned;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	III-116	753
(j) specific objective concerned;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	III-117	754
(k) Union co-financing rate;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	III-118	755
(l) location indicator or geolocation for the operation and country concerned;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	III-119	756
(m) for mobile operations or operations covering several locations the location of the beneficiary where the beneficiary is a legal entity; or the region on NUTS 2 level where the beneficiary is a natural person;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	III-120	757
(n) type of intervention for the operation in accordance with Article 67(3)(g);	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	III-121	758
For data referred to in points (b), (c) and (k) of the first sub-paragraph, the data shall be removed after two years from the date of the initial publication on the website.	<i>[no change]</i>	For data referred to in points (b), <del>(e)</del> and <del>(k)</del> of the first sub-paragraph, the data shall be removed after two years from the date of the initial publication on the website.	Provisional common understanding For data referred to in points (b), <del>(e)</del> and <del>(k)</del> of the first sub-paragraph, the data shall be removed after two years from the date of the initial publication on the	III-122	759

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			website.		
For programmes supported by the EMFF, the data referred to in points (b) and (c) of the first sub-paragraph shall only be published if such publication is in line with national law on the protection of personal data.	<i>[no change]</i>	<del>For programmes supported by the EMFF,</del> The data referred to in points (b) and (c) of the first sub-paragraph shall only be published if such publication is in line with national law on the protection of personal data.	<i>Provisional common understanding</i> <del>For programmes supported by the EMFF, The data referred to in points (b) and (c) of the first sub-paragraph shall only be published if such publication is in line with national law on the protection of personal data.</del>	III-123 <i>Link to VII-74a</i>	760
4. The data referred to in paragraphs 2 and 3 shall be published on the website in open, machine-readable formats, as set out in Article 5(1) of the Directive 2003/98/EC <sup>86</sup> of the European Parliament and of the Council, which allows data to be sorted, searched, extracted, compared and reused.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> 4. The data referred to in paragraphs 2 and 3 shall be published on the website in open, machine-readable formats, as set out in Article 5(1) of the Directive (EU) <b>2019/1024</b> <del>2003/98/EC</del> <sup>87</sup> of the European Parliament and of the Council, which allows data to be sorted, searched, extracted, compared and reused.	III-124	761
5. The managing authority shall inform the beneficiaries that the data will be made public before the publication takes place in accordance with this Article.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	III-125	762
6. The managing authority shall ensure that all communication and visibility material including at the level of beneficiaries is made available upon request to Union Institutions, bodies or agencies and that a royalty-free, non-	<i>[no change]</i>	6. The managing authority shall ensure that <del>all</del> communication and visibility material <del>including at the level of beneficiaries</del> is made available upon request to Union Institutions, bodies or agencies and that a royalty-free, non-	<i>Provisional common understanding</i> 6. The managing authority shall ensure that <del>all</del> communication and visibility material including at the level of beneficiaries is made available upon	III-126	763

<sup>86</sup> Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345, 31.12.2003, p. 90).

<sup>87</sup> [footnote to be adapted] Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345, 31.12.2003, p. 90).



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
exclusive and irrevocable licence to use such material and any pre-existing rights attached to it is granted to the Union in accordance with Annex VIII.		exclusive and irrevocable licence to use such material and any pre-existing rights attached to it is granted to the Union in accordance with Annex VIII. <b>This shall not require significant additional costs for neither the beneficiaries nor the managing authority.</b>	request to Union Institutions, bodies or agencies and that a royalty-free, non-exclusive and irrevocable licence to use such material and any pre-existing rights attached to it is granted to the Union in accordance with Annex VIII. <b>This shall not require significant additional costs or a significant administrative burden for the beneficiaries or for the managing authority.</b>		
<i>Article 45 Responsibilities of beneficiaries</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding  [no change]</i>	III-127	764
1. Beneficiaries and bodies implementing financial instruments shall acknowledge support from the Funds, including resources reused in accordance with Article 56, to the operation by:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding  [no change]</i>	III-128	765
(a) providing on the beneficiary's professional website or social media sites, where such sites exist, a short description of the operation, proportionate to the level of support, including its aims and results, and highlighting the financial support from the Union;	<u>Amendment 240</u>  (a) providing on the beneficiary's professional website <del>or</del> <b>and</b> social media sites, where such sites exist, a short description of the operation, proportionate to the level of support, including its aims and results, and highlighting the financial support from the Union;	(a) providing on the beneficiary's <del>professional-official</del> website or social media sites, where such sites exist, a short description of the operation, proportionate to the level of support, including its aims and results, and highlighting the financial support from the <del>Union-Funds</del> ;	<i>Provisional common understanding</i>  (a) providing on the beneficiary's <del>professional-official</del> website, <b>where such site exists, and</b> social media sites, <del>where such sites exist</del> , a short description of the operation, proportionate to the level of support, including its aims and results, and highlighting the financial support from the Union;	III-129	766
(b) providing a statement highlighting the support from the Funds in a visible manner on documents and communication material relating to the implementation of the operation, used for the public or for	<i>[no change]</i>	(b) providing a statement highlighting the support from the Funds in a visible manner -on documents and communication material relating to the implementation of the operation, <del>used</del>	<i>Provisional common understanding</i>  (b) providing a statement highlighting the support from the Funds in a visible manner -on documents and	III-130	767

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
participants;		<b>intended</b> for the <b>general</b> public or for participants;	communication material relating to the implementation of the operation, <del>used</del> <b>intended</b> for the public or for participants;		
(c) publicly displaying plaques or billboards as soon as the physical implementation of operations involving physical investment or the purchase of equipment starts, with regard to the following:	<u>Amendment 241</u>  (c) <del>publicly</del> displaying <b>permanent</b> plaques or billboards <b>clearly visible to the public</b> as soon as the physical implementation of operations involving physical investment or the purchase of equipment starts, with regard to the following:	<i>[no change]</i>	<i>Provisional common understanding</i>  (c) <del>publicly</del> displaying <b>durable</b> plaques or billboards <b>clearly visible to the public, presenting the emblem of the Union in accordance with the technical characteristics laid down in Annex [VIII]</b> , as soon as the physical implementation of operations involving physical investment <del>starts</del> or <del>the</del> purchased equipment <b>is installed starts</b> , with regard to the following:	III-131	768
(i) operations supported by the ERDF and the Cohesion Fund the total cost of which exceeds EUR 500 000;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	III-132	769
(ii) operations supported by the ESF+, the EMFF, the ISF, the AMIF and the BMVI the total cost of which exceeds EUR 100 000.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	III-133F	770
(ii) operations supported by the ESF+, <b>the JTF</b> , the EMFF, the ISF, the AMIF and the BMVI the total cost of which exceeds EUR 100 000;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IX-99	771
(d) for operations not falling under point (c), publicly displaying at least one printed or electronic display of a minimum size A3 with information about the operation	<u>Amendment 243</u>  (d) for operations not falling under point (c), publicly displaying <b>at a location clearly visible to the public</b> at least one	(d) for operations not falling under point (c), publicly displaying at least one <del>printed poster of a minimum size A3</del> or <b>equivalent</b> electronic display of a <del>minimum size A3</del> with information about	<i>Provisional common understanding</i>  (d) for operations not falling under point (c), <del>publicly</del> displaying <b>at a location clearly visible to the public</b> at least one	III-134	772

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
highlighting the support from the Funds;	printed or electronic display of a minimum size A3 with information about the operation highlighting the support from the Funds;	the operation highlighting the support from the Funds, <b>except when the beneficiary is a natural person;</b>	<del>printed poster of a minimum size A3 or equivalent</del> electronic display of a <del>minimum size A3</del> with information about the operation highlighting the support from the Funds; <b>Where the beneficiary is a natural person, the beneficiary shall ensure, to the extent possible, that appropriate information is available, highlighting the support from the funds, at a location visible to the public or through an electronic display;</b>  <b>Where an ESF+ beneficiary is a natural person, the obligation in paragraph (d) shall not apply.</b>		
(e) for operations of strategic importance and operations whose total cost exceed EUR 10 000 000 organising a communication event and involving the Commission and the responsible managing authority in a timely manner.	<i>[no change]</i>	(e) for operations of strategic importance and operations whose total cost exceed EUR 10 000 000 organising a communication <del>event</del> <b>activity</b> and involving the Commission and the responsible managing authority in a timely manner.	<i>Provisional common understanding</i>  (e) for operations of strategic importance and operations whose total cost exceed EUR 10 000 000 organising a communication event <b>or activity, as appropriate</b> , and involving the Commission and the responsible managing authority in a timely manner.	III-135	773
	<u>Amendment 244</u>  <i>(ea) publicly and permanently displaying, as of the moment of the physical implementation, the Union emblem in a way that is clearly visible to the public and in accordance with the technical characteristics laid down in Annex VIII ;</i>		<i>Provisional common understanding</i>  <i>[EP amendment withdrawn; covered in III-131]</i>	III-136	774

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
For operations supported under the specific objective set out in Article 4(1)(c)(vii) of the ESF+ Regulation, this requirement shall not apply.	<u>Amendment 245</u>  For operations supported under the specific objective set out in Article <del>4(I)</del> <del>(e)(vii)</del> <del>(xi)</del> of the ESF+ Regulation, this requirement shall not apply.	For operations supported under the specific objective set out in Article 4(1) <del>(e)(vii)</del> <del>(xi)</del> of the ESF+ Regulation, <del>this</del> <b>the requirement set out in point (d)</b> shall not apply.	<i>Provisional common understanding</i>  For operations supported under the specific objective set out in Article 4(1) <del>(e)(vii)</del> <del>(xi)</del> of the ESF+ Regulation, <del>this</del> <b>the requirement set out in point (d)</b> shall not apply.	III-137	775
			<i>Provisional common understanding</i>  <b>By derogation from points (c) and (d) of the first subparagraph, for operations supported by the AMF, the ISF and the BMVI, the document setting out the conditions for support may establish specific requirements for the public display of information on the support from the Funds where this is justified by reasons of security and public order in accordance with Article 63(4a).</b>	III-137a	776
2. For small project funds, the beneficiary shall ensure that final recipients comply with the requirements set out in paragraph 1.	<i>[no change]</i>	2. For small project funds, the beneficiary shall ensure that final recipients comply with the requirements set out in paragraph 1, <b>except for projects where the total cost is under EUR 10.000.</b>	<i>Provisional common understanding</i>  2. For small project funds, the beneficiary shall <b>comply with the obligations under Article 35(5) of Regulation (Interreg Regulation)</b>	III-138	777
For financial instruments, the beneficiary shall ensure that final recipients comply with the requirements set out in point (c) of paragraph 1.	<i>[no change]</i>	For financial instruments, the beneficiary shall <b>acknowledge the origin and</b> ensure <del>that final recipients comply with the requirements set out in point (c) the visibility of paragraph 1. the Union funding (in particular when promoting</del>	<i>Provisional common understanding</i>  For financial instruments, the beneficiary shall ensure <b>by means of the contractual terms</b> that final recipients comply with the requirements set out in	III-139	778

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		<b>the actions and their results), by providing coherent, effective and targeted information to multiple audiences, including the media and the public.</b>	point (c) of paragraph 1.		
3. Where the beneficiary does not comply with its obligations under Article 42 or paragraphs 1 and 2 of this Article, the Member State shall apply a financial correction by cancelling up to 5 % of the support from the Funds to the operation concerned.	<i>[no change]</i>	3. Where the beneficiary does not comply with its obligations under Article 42 or paragraphs 1 and 2 of this Article, <b>and where remedial actions have not been put into place, the Member State managing authority shall apply a financial correction measures, taking into account the principle of proportionality</b> , by cancelling up to <del>5-2%</del> of the support from the Funds to the operation concerned.	<i>Provisional common understanding</i>  3. Where the beneficiary does not comply with its obligations under Article 42 or paragraphs 1 and 2 of this Article, <b>and where remedial actions have not been put into place, the Member State managing authority shall apply a financial correction measures, taking into account the principle of proportionality</b> , by cancelling up to <del>5-3%</del> of the support from the Funds to the operation concerned.	III-140	779
TITLE V FINANCIAL SUPPORT FROM THE FUNDS	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-2	780
CHAPTER I Forms of Union contribution	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-3	781
<i>Article 46</i> <i>Forms of Union contribution to programmes</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-4	782
The Union contribution may take any of the following forms:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-5	783
(a) financing not linked to costs of the	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>	IV-6	784

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
relevant operations in accordance with Article 89 and based on either of the following:			<i>[no change]</i>		
(i) the fulfilment of conditions;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	IV-7	785
(ii) the achievement of results;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	IV-8	786
(b) reimbursement of eligible costs actually incurred by beneficiaries or the private partner of PPP operations and paid in implementing operations ;	<i>[no change]</i>	(b) reimbursement of <del>eligible costs actually incurred by</del> <b>support provided to beneficiaries or the private partner of PPP operations in accordance with Chapter II and paid in implementing operations III of this Title;</b>	Provisional common understanding  (b) reimbursement of <del>eligible costs actually incurred by</del> <b>support provided to beneficiaries or the private partner of PPP operations in accordance with Chapter II and paid in implementing operations III of this Title;</b>	IV-9	787
(c) unit costs in accordance with Article 88, which cover all or certain specific categories of eligible costs, clearly identified in advance by reference to an amount per unit;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	IV-10	788
(d) lump sums in accordance with Article 88, which cover in global terms all or certain specific categories of eligible costs, clearly identified in advance;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	IV-11	789
(e) flat-rate financing in accordance with Article 88, which covers specific categories of eligible costs, clearly identified in advance, by applying a percentage;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  (e) flat-rate financing in accordance with Article 88 <b>or Article 30(5)</b> , which covers specific categories of eligible costs,	IV-12	790

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			clearly identified in advance, by applying a percentage;		
(f) a combination of the forms referred to in points (a) to (e).	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	IV-13	791
CHAPTER II Forms of support by Member States	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	IV-14	792
<i>Article 47</i> <i>Forms of support</i>	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	IV-15	793
Member States shall use the contribution from the Funds to provide support to beneficiaries in the form of grants, financial instruments or prizes or a combination thereof.	<u>Amendment 246</u> Member States shall use the contribution from the Funds to provide support to beneficiaries in the form of grants, <b>limited use of</b> financial instruments or prizes or a combination thereof	<i>[no change]</i>	Provisional common understanding <i>[no change]</i> Comment: EP AM covered in line IV-67.	IV-16	794
SECTION I FORMS OF GRANTS	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	IV-17	795
<i>Article 48</i> <i>Forms of grants</i>	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	IV-18	796
1. Grants provided by Member States to beneficiaries may take any of the following forms:	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	IV-19	797
(a) reimbursement of eligible costs actually incurred by a beneficiary or the private partner of PPP operations and paid	<i>[no change]</i>	(a) reimbursement of eligible costs actually incurred by a beneficiary or the private partner of PPP operations and paid	Provisional common understanding (a) reimbursement of eligible costs	IV-20 <i>Link to</i>	798

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
in implementing operations, including contributions in kind and depreciation;		in implementing operations, <del>including</del> contributions in kind and depreciation;	actually incurred by a beneficiary or the private partner of PPP operations and paid in implementing operations, <del>including</del> contributions in kind and depreciation;	<i>recital (37a)</i>	
(b) unit costs;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	IV-21	799
(c) lump sums;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	IV-22	800
(d) flat-rate financing;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	IV-23	801
(e) a combination of the forms referred to in points (a) to (d), provided that each form covers different categories of costs or where they are used for different projects forming a part of an operation or for successive phases of an operation.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	IV-24	802
		<b>(f) financing not linked to costs, provided such grants are covered by a reimbursement of the Union contribution pursuant to Articles 88 or 89.</b>	<i>Provisional common understanding</i> <b>(f) financing not linked to costs, provided such grants are covered by a reimbursement of the Union contribution pursuant to Article 89.</b>	IV-25	803
Where the total cost of an operation does not exceed EUR 200 000, the contribution provided to the beneficiary from the ERDF, the ESF+, the AMIF, the ISF and the BMVI shall take the form of unit	<i>[no change]</i>	Where the total cost of an operation does not exceed EUR 200 000, the contribution provided to the beneficiary from the ERDF, the ESF+, the AMIF, the ISF and the BMVI shall take the form of unit	<i>Provisional common understanding</i> Where the total cost of an operation does not exceed EUR 200 000, the contribution provided to the beneficiary	IV-26F	804



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
costs, lump sums or flat rates, except for operations for which the support constitutes State aid. Where flat-rate financing is used, only the categories of costs to which the flat-rate applies may be reimbursed in accordance with point (a) of the first sub-paragraph.		costs, lump sums or flat rates, except for operations for which the support constitutes State aid- <b>or for which the calculation of simplified cost options by the Managing Authority cannot be performed in any of the ways listed in paragraph 2.</b> Where flat-rate financing is used, only the categories of costs to which the flat-rate applies may be reimbursed in accordance with point (a) of the first sub-paragraph.	from the ERDF, the ESF+, the AMIF, the ISF and the BMVI shall take the form of unit costs, lump sums or flat rates, except for operations for which the support constitutes State aid. Where flat-rate financing is used, only the categories of costs to which the flat-rate applies may be reimbursed in accordance with point (a) of the first sub-paragraph.  <b>By way of derogation from the first subparagraph, the managing authority may agree to exempt some operations in the area of research and innovation from this obligation, provided the monitoring committee has given prior approval for such an exemption.</b>		
Where the total cost of an operation does not exceed EUR 200 000, the contribution provided to the beneficiary from the ERDF, the ESF+, <b>the JTF</b> , the AMIF, the ISF and the BMVI shall take the form of unit costs, lump sums or flat rates, except for operations for which the support constitutes State aid. Where flat-rate financing is used, only the categories of costs to which the flat-rate applies may be reimbursed in accordance with point (a) of the first sub-paragraph.	<i>[no change]</i>	Where the total cost of an operation does not exceed EUR 200 000, the contribution provided to the beneficiary from the ERDF, the ESF+, the JTF, the AMIF, the ISF and the BMVI shall take the form of unit costs, lump sums or flat rates, except for operations for which the support constitutes State aid <b>or for which the calculation of simplified cost options by the Managing Authority cannot be performed in any of the ways listed in paragraph 2.</b> Where flat-rate financing is used, only the categories of costs to which the flat-rate applies may be reimbursed in accordance with point (a) of the first sub-paragraph.	<i>Provisional common understanding</i>  Where the total cost of an operation does not exceed EUR 200 000, the contribution provided to the beneficiary from the ERDF, the ESF+, the JTF, the AMIF, the ISF and the BMVI shall take the form of unit costs, lump sums or flat rates, except for operations for which the support constitutes State aid. Where flat-rate financing is used, only the categories of costs to which the flat-rate applies may be reimbursed in accordance with point (a) of the first sub-paragraph.  <b>By way of derogation from the first subparagraph, the managing authority</b>	IX-101	805

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
			<b>may agree to exempt some operations in the area of research and innovation from this obligation, provided the monitoring committee has given prior approval for such an exemption.</b>		
In addition, allowances and salaries paid to participants may be reimbursed in accordance with point (a) of the first subparagraph.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	IV-27	806
2. The amounts for the forms of grants referred to under point (b), (c) and (d) of paragraph 1, shall be established in one of the following ways:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	IV-28	807
(a) a fair, equitable and verifiable calculation method based on:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	IV-29	808
(i) statistical data, other objective information or an expert judgement;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	IV-30	809
(ii) the verified historical data of individual beneficiaries;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	IV-31	810
(iii) the application of the usual cost accounting practices of individual beneficiaries;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	IV-32	811
(b) draft budget established on a case-by-case basis and agreed ex ante by the body selecting the operation, where the total cost of the operation does not exceed EUR 200 000;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	IV-33	812

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
(c) in accordance with the rules for application of corresponding unit costs, lump sums and flat rates applicable in Union policies for a similar type of operation;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-34	813
(d) in accordance with the rules for application of corresponding unit costs, lump sums and flat rates applied under schemes for grants funded entirely by the Member State for a similar type of operation;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-35	814
(e) flat rates and specific methods established by this Regulation or the Fund-specific Regulations.	<i>[no change]</i>	(e) flat rates and specific methods established by <b>or on the basis of</b> this Regulation or the Fund-specific Regulations.	<i>Provisional common understanding</i>  (e) flat rates and specific methods established by <b>or on the basis of</b> this Regulation or the Fund-specific Regulations.	IV-36	815
<i>Article 49</i> <i>Flat-rate financing for indirect costs concerning grants</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-37	816
Where a flat rate is used to cover indirect costs of an operation, it shall be based on one of the following:	<i>[no change]</i>	Where a flat rate is used to cover indirect costs of an operation, it <del>shall</del> <b>may</b> be based on one of the following:	<i>Provisional common understanding</i>  Where a flat rate is used to cover indirect costs of an operation, it <del>shall</del> <b>may</b> be based on one of the following:	IV-38	817
(a) a flat rate of up to 7 % of eligible direct costs, in which case the Member State shall not be required to perform a calculation to determine the applicable rate;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-39	818

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
(b) a flat rate of up to 15 % of eligible direct staff costs in which case the Member State shall not be required to perform a calculation to determine the applicable rate;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-40	819
(c) a flat rate of up to 25 % of eligible direct costs, provided that the rate is calculated in accordance with Article 48(2)(a).	<u>Amendment 247</u>  (c) a flat rate of up to 25 % of eligible direct costs, provided that the rate is calculated in accordance with Article 48(2)(a) <b>or 48(2)(c)</b> .	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-41	820
In addition, where a Member State has calculated a flat rate in accordance with Article 67(5)(a) of Regulation (EU) No 1303/2013, that flat rate may be used for a similar operation for the purposes of point (c).	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-42	821
<i>Article 50</i> <i>Direct staff costs concerning grants</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-43	822
1. Direct staff costs of an operation may be calculated at a flat rate of up to 20 % of the direct costs other than the direct staff costs of that operation, without there being a requirement for the Member State to perform a calculation to determine the applicable rate, provided that the direct costs of the operation do not include public works contracts or supply or service contracts which exceed in value the thresholds set out in Article 4 of Directive 2014/24/EU of the European Parliament	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-44	823

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
and of the Council <sup>88</sup> or in Article 15 of Directive 2014/25/EU of the European Parliament and of the Council <sup>89</sup> .					
For the AMIF, the ISF and the BMVI, any costs subject to public procurement and the direct staff costs of that operation shall be excluded from the basis for calculation of the flat rate.	<i>[no change]</i>	<del>For the AMIF, the ISF and the BMVI, any costs subject to public procurement and the direct staff costs of that operation shall be excluded from the basis for calculation of the flat rate.</del>	<i>Provisional common understanding</i>  <del>For the AMIF, the ISF and the BMVI, any costs subject to public procurement and the direct staff costs of that operation shall be excluded from the basis for calculation of the flat rate.</del>  <b>Where a flat-rate is applied in accordance with the first subparagraph for the AMIF, the ISF and the BMVI, that flat rate shall only be applied to the direct costs of the operation not subject to public procurement.</b>	IV-45	824
2. For the purposes of determining direct staff costs, an hourly rate may be calculated in one of the following ways:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-46	825
(a) by dividing the latest documented annual gross employment costs by 1720 hours for persons working full time, or by a corresponding pro-rata of 1720 hours, for persons working part-time;	<u>Amendment 248</u>  (a) by dividing the latest documented annual gross employment costs, <b>with expected additional costs in order to take account of factors such as increases in tariffs or staff promotions</b> , by 1720 hours for persons working full time, or by a	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-47	826

<sup>88</sup> Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

<sup>89</sup> Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	corresponding pro-rata of 1720 hours, for persons working part-time				
(b) by dividing the latest documented monthly gross employment costs by the monthly working time of the person concerned in accordance with applicable national legislation referred to in the contract for employment.	<u>Amendment 249</u>  (b) by dividing the latest documented monthly gross employment costs, <b>with expected additional costs in order to take account of factors such as increases in tariffs or staff promotions</b> , by the monthly working time of the person concerned in accordance with applicable national legislation referred to in the contract for employment.	(b) by dividing the latest documented monthly gross employment costs by the <b>average</b> monthly working time of the person concerned in accordance with applicable national <del>legislation</del> <b>rules</b> referred to in the <del>contract for</del> <b>employment or work contract or an appointment decision (both referred to as employment document)</b> .	<i>Provisional common understanding</i>  (b) by dividing the latest documented monthly gross employment costs by the <b>average</b> monthly working time of the person concerned in accordance with applicable national <del>legislation</del> <b>rules</b> referred to in the <del>contract for</del> <b>employment or work contract or an appointment decision (both referred to as employment document)</b> .	IV-48  <i>Link to recital (34)</i>	827
3. When applying the hourly rate calculated in accordance with paragraph 2, the total number of hours declared per person for a given year or month shall not exceed the number of hours used for the calculation of that hourly rate.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-49	828
4. Where annual gross employment costs are not available, they may be derived from the available documented gross employment costs or from the contract for employment, duly adjusted for a 12 month period.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-50	829
5. Staff costs related to individuals who work on part-time assignment on the operation may be calculated as a fixed percentage of the gross employment costs, in line with a fixed percentage of time worked on the operation per month, with no obligation to establish a separate working time registration system. The	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-51	830

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
employer shall issue a document for employees setting out that fixed percentage.					
<i>Article 51</i> <i>Flat rate financing for eligible costs other than direct staff costs concerning grants</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	IV-52	831
1. A flat rate of up to 40 % of eligible direct staff costs may be used in order to cover the remaining eligible costs of an operation. The Member State shall not be required to perform a calculation to determine the applicable rate.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	IV-53	832
2. For operations supported by the AMIF, the ISF, the BMVI, the ESF+ and the ERDF, salaries and allowances paid to participants shall be considered additional eligible costs not included in the flat rate.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	IV-54F	833
2. For operations supported by the AMIF, the ISF, the BMVI, the ESF+, <b>the JTF</b> and the ERDF, salaries and allowances paid to participants shall be considered additional eligible costs not included in the flat rate.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	IX-103	834
3. The flat rate referred to in paragraph 1 of this Article shall not be applied to staff costs calculated on the basis of a flat rate as referred to in Article 50(1).	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	IV-55	835
		<i>Article 51a</i>	<i>Provisional common understanding</i>  <i>Article 51a</i>	IV-56  <i>Link to Article 2(38)</i>	836

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
		<i>Grants under conditions</i>	<i>Grants under conditions</i>	<i>(new)</i>	
		<b>1. Member States may provide grants under conditions to beneficiaries which are fully or partially repayable as specified in the document setting out the conditions for support.</b>	<i>Provisional common understanding</i> <b>1. Member States may provide grants under conditions to beneficiaries which are fully or partially repayable as specified in the document setting out the conditions for support.</b>	IV-57	837
		<b>2. Repayments by the beneficiary shall be made under the conditions agreed by the managing authority and the beneficiary.</b>	<i>Provisional common understanding</i> <b>2. Repayments by the beneficiary shall be made under the conditions agreed by the managing authority and the beneficiary.</b>	IV-58	838
		<b>3. Member States shall reuse resources paid back by the beneficiary for the same purpose or in accordance with the objectives of the respective programme before 31 December 2030 either in the form of grants under conditions, in the form of a financial instrument or in another form of support. The amounts paid back and information about their reuse shall be included in the final performance report.</b>	<i>Provisional common understanding</i> <b>3. Member States shall reuse resources paid back by the beneficiary for the same purpose or in accordance with the objectives of the respective programme before 31 December 2030 either in the form of grants under conditions, in the form of a financial instrument or in another form of support. The amounts paid back and information about their reuse shall be included in the final performance report.</b>	IV-59	839
		<b>4. Member States shall adopt the necessary measures to ensure that the resources shall be kept in separate accounts or under appropriate</b>	<i>Provisional common understanding</i> <b>4. Member States shall adopt the necessary measures to ensure that the</b>	IV-60	840



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		accounting codes.	resources shall be kept in separate accounts or under appropriate accounting codes.		
		5. Union resources paid back by beneficiaries at any time, but not reused by the end of the period indicated in paragraph 3, shall be repaid to the budget of the Union in accordance with Article 82.	Provisional common understanding 5. Union resources paid back by beneficiaries at any time, but not reused by the end of the period indicated in paragraph 3, shall be repaid to the budget of the Union in accordance with Article 82.	IV-61	841
SECTION II FINANCIAL INSTRUMENTS	[no change]	[no change]	Provisional common understanding [no change]	IV-62	842
Article 52 Financial instruments	[no change]	[no change]	Provisional common understanding [no change]	IV-63	843
1. Managing authorities may provide a programme contribution, under one or more programmes, to financial instruments set up at national, regional, transnational or cross border level and managed by, or under the responsibility of, the managing authority which contribute to achieving specific objectives.	[no change]	1. Managing authorities may provide a programme contribution, <del>under</del> from one or more programmes, <del>to</del> to existing or newly created financial instruments set up at national, regional, transnational or cross border level and <del>managed</del> implemented directly by, or under the responsibility of, the managing authority which contribute to achieving specific objectives.	Provisional common understanding 1. Managing authorities may provide a programme contribution, <del>under</del> from one or more programmes, <del>to</del> to existing or newly created financial instruments set up at national, regional, transnational or cross border level and <del>managed</del> implemented directly by, or under the responsibility of, the managing authority which contribute to achieving specific objectives.	IV-64	844
2. Financial instruments shall provide support to final recipients only for new investments expected to be financially	<u>Amendment 250</u> 2. Financial instruments shall	2. Financial instruments shall provide support to final recipients only for <del>new</del> investments, <b>including working capital</b> ,	Provisional common understanding 2. Financial instruments shall provide	IV-65 <a href="#">Link to</a>	845

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
viable, such as generating revenues or savings, and which do not find sufficient funding from market sources.	provide support to final recipients only for new investments expected to be financially viable, such as generating revenues or savings, and which do not find sufficient funding from market sources. <b>Such support may target investments in both tangible and intangible assets as well as working capital, in compliance with applicable Union State aid rules.</b>	expected to be financially viable, <del>such as generating revenues or savings,</del> and which do not find sufficient funding from market sources.	support to final recipients only for <del>new</del> investments <b>in both tangible and intangible assets as well as working capital</b> expected to be financially viable, <del>such as generating revenues or savings,</del> and which do not find sufficient funding from market sources. <b>Such support shall be in compliance with applicable Union State aid rules.</b>	<i>recital (42a) and (44)</i>	
		<b>This support shall be provided only for the elements of the investments which are not physically completed or fully implemented at the date of the investment decision.</b>	<i>Provisional common understanding</i> <b>This support shall be provided only for the elements of the investments which are not physically completed or fully implemented at the date of the investment decision.</b>	IV-66	846
3. Support from the Funds through financial instruments shall be based on an <i>ex ante</i> assessment drawn up under the responsibility of the managing authority. The <i>ex ante</i> assessment shall be completed before managing authorities decide to make programme contributions to financial instruments.	<i>[no change]</i>	3. Support from the Funds through financial instruments shall be based on an <i>ex ante</i> assessment drawn up under the responsibility of the managing authority. The <i>ex ante</i> assessment shall be completed before managing authorities <del>decide to</del> make programme contributions to financial instruments	<i>Provisional common understanding</i> 3. <b>Appropriate</b> support from the Funds through financial instruments shall be based on an <i>ex ante</i> assessment drawn up under the responsibility of the managing authority. The <i>ex ante</i> assessment shall be completed before managing authorities <del>decide to</del> make programme contributions to financial instruments.	IV-67 <i>Link to recital (42)</i>	847
The <i>ex ante</i> assessment shall include at least the following elements:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	IV-68	848
(a) the proposed amount of programme contribution to a financial instrument and	<u>Amendment 251</u>	(a) the proposed amount of programme contribution to a financial instrument and	<i>Provisional common understanding</i>	IV-69	849

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
the expected leverage effect;	(a) the proposed amount of programme contribution to a financial instrument and the expected leverage effect, <i>accompanied by the relevant assessments;</i>	the <del>estimated expected</del> leverage effect;	(a) the proposed amount of programme contribution to a financial instrument and the <del>estimated expected</del> leverage effect <b>accompanied by a short justification;</b>		
(b) the proposed financial products to be offered, including the possible need for differentiated treatment of investors;	[no change]	[no change]	Provisional common understanding [no change]	IV-70	850
(c) the proposed target group of final recipients;	[no change]	[no change]	Provisional common understanding [no change]	IV-71	851
(d) the expected contribution of the financial instrument to the achievement of specific objectives.	[no change]	[no change]	Provisional common understanding [no change]	IV-72	852
The <i>ex ante</i> assessment may be reviewed or updated and may cover part or the entire territory of the Member State and may be based on existing or updated <i>ex ante</i> assessments.	[no change]	[no change]	Provisional common understanding [no change]	IV-73	853
4. Support to final recipients may be combined with any form of Union contribution, including from the same Fund and may cover the same expenditure item. In that case, the Funds' financial instrument support, which is part of a financial instrument operation, shall not be declared to the Commission for support under another form, another Fund or another Union instrument.	[no change]	[no change]	Provisional common understanding [no change]	IV-74	854
5. Financial instruments may be combined	<u>Amendment 252</u>	5. Financial instruments may be combined	Provisional common understanding	IV-75	855

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
with ancillary programme support in the form of grants as a single financial instrument operation, within a single funding agreement, where both distinct forms of support shall be provided by the body implementing the financial instrument. In such case the rules applicable to financial instruments shall apply to that single financial instrument operation.	5. Financial instruments may be combined with ancillary programme support in the form of grants as a single financial instrument operation, within a single funding agreement, where both distinct forms of support shall be provided by the body implementing the financial instrument. <del>In such case</del> <b>Where the amount of the programme support in the form of grant is less than the amount of programme support in the form of a financial instrument,</b> the rules <b>applicable to</b> financial instruments shall apply <del>to that single financial instrument operation.</del>	with <del>ancillary</del> programme support in the form of grants <del>as</del> a single financial instrument operation, within a single funding agreement, where both distinct forms of support shall be provided by the body implementing the financial instrument. In such case the rules applicable to financial instruments shall apply to that single financial instrument operation. <b>The programme support in the form of grants shall be directly linked and necessary for the financial instrument operation and shall not exceed the value of the investment supported by the financial product.</b>	5. Financial instruments may be combined with <del>ancillary</del> programme support in the form of grants <del>as</del> a single financial instrument operation, within a single funding agreement, where both distinct forms of support shall be provided by the body implementing the financial instrument. In such case the rules applicable to financial instruments shall apply to that single financial instrument operation. <b>The programme support in the form of grants shall be directly linked and necessary for the financial instrument and shall not exceed the value of the investments supported by the financial product.</b>		
6. In the case of combined support under paragraphs 4 and 5, separate records shall be kept for each source of support.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	IV-76	856
7. The sum of all forms of combined support shall not exceed the total amount of the expenditure item concerned. Grants shall not be used to reimburse support received from financial instruments. Financial instruments shall not be used to pre-finance grants.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	IV-77	857
<i>Article 53</i> <i>Implementation of financial instruments</i>	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	IV-78	858
1. Financial instruments managed by the managing authority may only provide loans or guarantees. The managing	<i>[no change]</i>	1. Financial instruments <del>managed</del> <b>implemented directly</b> by the managing authority may only provide loans or	Provisional common understanding 1. Financial instruments <del>managed</del>	IV-79	859

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
authority shall set out the terms and conditions of the programme contribution to the financial instrument in a strategy document including all the elements set out in Annex IX.		guarantees. The managing authority shall set out the terms and conditions of the programme contribution to the financial instrument in a strategy document including all the elements set out in Annex IX.	<b>implemented directly</b> by the managing authority may only provide loans or guarantees. The managing authority shall set out the terms and conditions of the programme contribution to the financial instrument in a strategy document including all the elements set out in Annex IX.		
2. Financial instruments managed under the responsibility of the managing authority may be set up as either of the following:	<i>[no change]</i>	2. Financial instruments <del>managed</del> <b>implemented</b> under the responsibility of the managing authority may be <del>set up as</del> either of the following:	<i>Provisional common understanding</i> 2. Financial instruments <del>managed</del> <b>implemented</b> under the responsibility of the managing authority may be <del>set up as</del> either of the following:	IV-80	860
(a) an investment of programme resources into the capital of a legal entity;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	IV-81	861
(b) separate blocks of finance or fiduciary accounts within an institution.	<i>[no change]</i>	(b) separate blocks of finance or fiduciary accounts <del>within an institution.</del>	<i>Provisional common understanding</i> (b) separate blocks of finance or fiduciary accounts <del>within an institution.</del>	IV-82	862
The managing authority shall select the body implementing a financial instrument.	<u>Amendment 253</u> The managing authority shall select the body implementing a financial instrument <b><i>either through direct or indirect award of a contract.</i></b>	The managing authority shall select, <b>on the basis of applicable law</b> , the body implementing a financial instrument.	<i>Provisional common understanding</i> <i>[no change]</i>	IV-83	863
	<u>Amendment 254</u> <b><i>The managing authority may entrust implementation tasks through a direct award to:</i></b>	<b>2a. The managing authority may directly award a contract for the implementation of a financial instrument to:</b>	<i>Provisional common understanding</i> <b>2a. The managing authority may directly award a contract for the implementation of a financial</b>	IV-84 <i>Link to recital (42a)</i>	864

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			instrument to:	<i>and (44)</i>	
	<i>(a) the EIB;</i>	<b>(i) the EIB;</b>	<i>Provisional common understanding</i> <b>(i) the EIB;</b>	IV-85	865
	<i>(b) an international financial institution in which a Member State is a shareholder;</i>	<b>(ii) international financial institutions in which a Member State is a shareholder;</b>	<i>Provisional common understanding</i> <b>(ii) international financial institutions in which a Member State is a shareholder;</b>	IV-86	866
	<i>(c) a publicly-owned bank or institution, established as a legal entity and carrying out financial activities on a professional basis.</i>	<b>(iii) a publicly-owned bank or institution, established as a legal entity carrying out financial activities on a professional basis, which fulfils all of the following conditions:</b>	<i>Provisional common understanding</i> <b>(iii) a publicly-owned bank or institution, established as a legal entity carrying out financial activities on a professional basis, which fulfils all of the following conditions:</b>	IV-87	867
		— <b>there is no direct private capital participation, with the exception of non-controlling and non-blocking forms of private capital participation required by national legislative provisions, in conformity with the Treaties, which do not exert a decisive influence on the relevant bank or institution, and with the exception of forms of private capital participation which confer no influence on decisions regarding the day-to-day management of the financial instrument supported by the Funds;</b>	<i>Provisional common understanding</i> — <b>there is no direct private capital participation, with the exception of non-controlling and non-blocking forms of private capital participation required by national legislative provisions, in conformity with the Treaties, which do not exert a decisive influence on the relevant bank or institution, and with the exception of forms of private capital participation which confer no influence on decisions regarding the day-to-day management of the financial instrument supported by the Funds;</b>	IV-88	868

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		— operates under a public policy mandate given by the relevant authority of a Member State at national or regional level, which includes carrying out, as all or part of its activities, economic development activities contributing to the objectives of the Funds;	<i>Provisional common understanding</i>  — operates under a public policy mandate given by the relevant authority of a Member State at national or regional level, which includes carrying out, as all or part of its activities, economic development activities contributing to the objectives of the Funds;	IV-89	869
		— carries out, as all or part of its activities, economic development activities contributing to the objectives of the Funds in regions, policy areas or sectors for which access to funding from market sources is not generally available or sufficient;	<i>Provisional common understanding</i>  — carries out, as all or part of its activities, economic development activities contributing to the objectives of the Funds in regions, policy areas or sectors for which access to funding from market sources is not generally available or sufficient;	IV-90	870
		— operates without primarily focussing on maximising profits, but ensures a long-term financial sustainability for its activities;	<i>Provisional common understanding</i>  — operates without primarily focussing on maximising profits, but ensures a long-term financial sustainability for its activities;	IV-91	871
		— ensures that the direct award of a contract referred to in point (b) does not provide any direct or indirect benefit for commercial activities by way of appropriate measures in accordance with applicable law;	<i>Provisional common understanding</i>  — ensures that the direct award of a contract referred to in point (b) does not provide any direct or indirect benefit for commercial activities by way of appropriate measures in accordance with applicable law;	IV-92	872

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		— is subject to the supervision of an independent authority in accordance with applicable law.	Provisional common understanding  — is subject to the supervision of an independent authority in accordance with applicable law.	IV-93	873
		(iv) other bodies, also entering under the scope of Article 12 of the Public Procurement Directive 2014/24/EU.	Provisional common understanding  (iv) other bodies, also entering under the scope of Article 12 of the Public Procurement Directive 2014/24/EU.	IV-94	874
When the body selected by the managing authority implements a holding fund, that body may further select other bodies to implement a specific fund.	[no change]	2b. When the body selected by the managing authority implements a holding fund, that body may further select other bodies to implement a specific fund funds.	Provisional common understanding  2b. When the body selected by the managing authority implements a holding fund, that body may further select other bodies to implement a specific fund funds.	IV-95	875
3. The terms and conditions of programme contributions to financial instruments implemented in accordance with paragraph 2, shall be set out in funding agreements between:	[no change]	[no change]	Provisional common understanding  [no change]	IV-96	876
(a) the duly mandated representatives of the managing authority and the body implementing a holding fund, where applicable;	[no change]	[no change]	Provisional common understanding  [no change]	IV-97	877
(b) the duly mandated representatives of the managing authority, or, where applicable, the body implementing a holding fund and the body implementing a specific fund.	[no change]	[no change]	Provisional common understanding  [no change]	IV-98	878



<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
Those funding agreements shall include all the elements set out in Annex IX.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-99	879
4. The financial liability of the managing authority shall not exceed the amount committed by the managing authority to the financial instrument under the relevant funding agreements.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-100	880
5. The bodies implementing the financial instruments concerned, or in the context of guarantees, the body providing the underlying loans, shall select final recipients, taking due account of the programme objectives and the potential for the financial viability of the investment as justified in the business plan or an equivalent document. The selection process of final recipients shall be transparent, justified by the nature of the action and shall not give rise to a conflict of interest.	<i>[no change]</i>	5. The bodies implementing the financial instruments concerned, or in the context of guarantees, the body providing the underlying loans, shall <b>select support</b> final recipients-, taking due account of the programme objectives and the potential for the financial viability of the investment as justified in the business plan or an equivalent document. The selection <del>process</del> of final recipients shall be transparent, <del>justified by the nature of the action</del> and shall not give rise to a conflict of interest.	<i>Provisional common understanding</i>  5. The bodies implementing the financial instruments concerned, or in the context of guarantees, the body providing the underlying loans, shall <b>select support</b> final recipients-, taking due account of the programme objectives and the potential for the financial viability of the investment as justified in the business plan or an equivalent document. The selection <del>process</del> of final recipients shall be transparent, <del>justified by the nature of the action</del> and shall not give rise to a conflict of interest.	IV-101	881
6. National co-financing of a programme may be provided either by the managing authority or at the level of holding funds, or at the level of specific funds, or at the level of investments in final recipients, in accordance with the Fund-specific rules. When the national co-financing is provided at the level of investments in final recipients, the body implementing financial instruments shall keep	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-102	882

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
documentary evidence demonstrating the eligibility of the underlying expenditure.					
7. The managing authority, in managing the financial instrument pursuant to paragraph 2, or the body implementing the financial instrument, in managing the financial instrument pursuant to paragraph 3, shall keep separate accounts or maintain an accounting code per priority and per each category of region for each programme contribution and separately for resources referred to in Articles 54 and 56 respectively.	<u>Amendment 255</u>  7. The managing authority, in managing the financial instrument pursuant to paragraph 2, or the body implementing the financial instrument, in managing the financial instrument pursuant to paragraph 3, shall keep separate accounts or maintain an accounting code per priority and per each category of region, <b>or by type of intervention for the EAFRD</b> , for each programme contribution and separately for resources referred to in Articles 54 and 56 respectively.	7. The managing authority, in managing the financial instrument pursuant to paragraph <del>2</del> 1, or the body implementing the financial instrument pursuant to paragraph <del>3</del> 2, shall keep separate accounts or maintain an accounting code per priority and, <b>where applicable</b> , per each category of region for each programme contribution and separately for resources referred to in Articles 54 and 56 respectively.	<i>Provisional common understanding</i>  7. The managing authority in <b>implementing directly</b> the financial instrument pursuant to paragraph <del>2</del> 1, or the body implementing the financial instrument <del>in managing the financial instrument</del> pursuant to paragraph <del>3</del> 2, shall keep separate accounts or maintain an accounting code per priority and, <b>where applicable</b> , per each category of region for each programme contribution and separately for resources referred to in Articles 54 and 56 respectively.	IV-103	883
	<u>Amendment 256</u>  <b>7a. Reporting requirements on the financial instrument's use for the intended purposes shall be limited to the managing authorities and to financial intermediaries.</b>		<i>Provisional common understanding</i>  [EP AM withdrawn.]	IV-104	884
<i>Article 54</i> <i>Interest and other gains generated by support from the Funds to financial instruments</i>	[no change]	[no change]	<i>Provisional common understanding</i>  [no change]	IV-105	885
1. Support from the Funds paid to financial instruments shall be placed in interest-bearing accounts in financial institutions domiciled within Member States and shall be managed in line with active treasury	[no change]	1. Support from the Funds paid to financial instruments shall be placed in <del>interest-bearing</del> accounts in financial institutions domiciled within Member States and shall be managed in line with	<i>Provisional common understanding</i>  1. Support from the Funds paid to financial instruments shall be placed in <del>interest-bearing</del> accounts in financial	IV-106  <i>Link to recital</i>	886

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
management and sound financial management.		<del>active treasury management and sound financial management.</del>	institutions domiciled within Member States and shall be managed in line with active treasury management and sound financial management.	(36a)	
2. Interest and other gains attributable to support from the Funds paid to financial instruments shall be used under the same objective or objectives as the initial support from the Funds, either within the same financial instrument; or, following the winding up of the financial instrument, in other financial instruments or other forms of support, until the end of the eligibility period.	<u>Amendment 257</u>  2. Interest and other gains attributable to support from the Funds paid to financial instruments shall be used under the same objective or objectives as the initial support from the Funds, either within the same financial instrument; or, following the winding up of the financial instrument, in other financial instruments or other forms of support <i>for further investments in final recipients; or, where applicable, to cover the losses in the nominal amount of the Funds contribution to the financial instrument that result from negative interest, if such losses occur despite active treasury management by the bodies implementing financial instruments;</i> until the end of the eligibility period.	2. Interest and other gains attributable to support from the Funds paid to financial instruments shall be used under the same objective or objectives, as the initial support from the Funds, <b>including the payments of management fees and reimbursement of management costs incurred by the bodies implementing the financial instrument in accordance with point (d) of Article 62(1)</b> , either within the same financial instrument; or, following the winding up of the financial instrument, in other financial instruments or other forms of support, until the end of the eligibility period.	<i>Provisional common understanding</i>  2. Interest and other gains attributable to support from the Funds paid to financial instruments shall be used under the same objective or objectives, as the initial support from the Funds, <b>including for the payments of management fees and the reimbursement of management costs incurred by the bodies implementing the financial instrument in accordance with point (d) of Article 62(1)</b> , either within the same financial instrument; or, following the winding up of the financial instrument, in other financial instruments or other forms of support <b>for further investments in final recipients</b> , until the end of the eligibility period.	IV-107	887
3. Interest and other gains referred to in paragraph 2 not used in accordance with that provision shall be deducted from the eligible expenditure.	[no change]	3. Interest and other gains referred to in paragraph 2 not used in accordance with that provision shall be deducted from the <del>eligible expenditure.</del> <b>accounts submitted for the final accounting year.</b>	<i>Provisional common understanding</i>  3. Interest and other gains referred to in paragraph 2 not used in accordance with that provision shall be deducted from the <del>eligible expenditure.</del> <b>accounts submitted for the final accounting year.</b>	IV-108	888
<i>Article 55</i> <i>Differentiated treatment of investors</i>	[no change]	[no change]	<i>Provisional common understanding</i>	IV-109	889

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			[no change]		
1. Support from the Funds to financial instruments invested in final recipients as well as any type of income generated by those investments, which are attributable to the support from the Funds, may be used for differentiated treatment of investors operating under the market economy principle through an appropriate sharing of risks and profits.	<u>Amendment 258</u> 1. Support from the Funds to financial instruments invested in final recipients as well as any type of income generated by those investments, which are attributable to the support from the Funds, may be used for differentiated treatment of investors operating under the market economy principle, <b>or for other forms of Union support</b> , through an appropriate sharing of risks and profits <b>taking into account the principle of sound financial management.</b>	1. Support from the Funds to financial instruments invested in final recipients, <b>resources paid back</b> as well as any type of income generated by those investments, which are attributable to the support from the Funds, may be used for differentiated treatment of investors operating under the market economy principle through an appropriate sharing of risks and profits.	<i>Provisional common understanding</i> 1. Support from the Funds to financial instruments invested in final recipients <b>and</b> any type of income generated by those investments, <b>including resources paid back</b> , which are attributable to the support from the Funds, may be used for differentiated treatment of investors operating under the market economy principle through an appropriate sharing of risks and profits <b>taking into account the principle of sound financial management.</b>	IV-110	890
2. The level of such differentiated treatment shall not exceed what is necessary to create incentives for attracting private resources, established by either a competitive process or an independent assessment.	<u>Amendment 259</u> 2. The level of such differentiated treatment shall not exceed what is necessary to create incentives for attracting private resources, established by either a competitive process or <del>an independent</del> <b>the ex ante</b> assessment <b>performed in line with Article 52 of this Regulation.</b>	[no change]	<i>Provisional common understanding</i>  [no change]	IV-111	891
<i>Article 56</i> <i>Re-use of resources attributable to the support from the Funds</i>	[no change]	[no change]	<i>Provisional common understanding</i>  [no change]	IV-112	892
1. Resources paid back, before the end of the eligibility period, to financial instruments from investments in final recipients or from the release of resources	<u>Amendment 260</u> 1. Resources paid back, before the end of the eligibility period, to financial	1. Resources paid back, before the end of the eligibility period, to financial instruments from investments in final recipients or from the release of resources	<i>Provisional common understanding</i> 1. Resources paid back, before the end of the eligibility period, to financial	IV-113	893

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
set aside as agreed in guarantee contracts, including capital repayments and any type of generated income that is attributable to the support from the Funds, shall be re-used in the same or other financial instruments for further investments in final recipients, under the same specific objective or objectives and for any management costs and fees associated to such further investments.	instruments from investments in final recipients or from the release of resources set aside as agreed in guarantee contracts, including capital repayments and any type of generated income that is attributable to the support from the Funds, shall be re-used in the same or other financial instruments for further investments in final recipients, under the same specific objective or objectives and for any management costs and fees associated to such further investments, <b>taking into account the principle of sound financial management.</b>	set aside <del>as agreed in</del> for guarantee contracts, including capital repayments and any type of generated income that is attributable to the support from the Funds, shall be re-used in the same or other financial instruments for further investments in final recipients, <del>under or to cover the same specific objective or objectives</del> <b>losses in the nominal amount of the Funds contribution to the financial instrument resulting from negative interest</b> and/or for any management costs and fees associated to such further investments.	instruments from investments in final recipients or from the release of resources set aside <del>as agreed in</del> for guarantee contracts, including capital repayments and any type of generated income that is attributable to the support from the Funds, shall be re-used in the same or other financial instruments for further investments in final recipients, <del>under or to cover the same specific objective or objectives</del> <b>losses in the nominal amount of the Funds contribution to the financial instrument resulting from negative interest, if such losses occur despite active treasury management</b> and/or for any management costs and fees associated to such further investments, <b>taking into account the principle of sound financial management.</b>		
	Amendment 261  <i>Savings through more efficient operations shall not be considered to constitute generated income for the purposes of the first subparagraph. In particular, cost savings resulting from energy efficiency measures shall not result in a corresponding reduction in operating subsidies.</i>		Provisional common understanding  [EP amendment withdrawn]	IV-114	894
2. Member States shall adopt the necessary measures to ensure that the resources referred to in paragraph 1 and paid back to financial instruments during a period of at	[no change]	[no change]	Provisional common understanding  [no change]	IV-115	895

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
least eight years after the end of the eligibility period, are re-used in accordance with the policy objectives of the programme or programmes under which they were set up, either within the same financial instrument or, following the exit of those resources from the financial instrument, in other financial instruments or in other forms of support.					
CHAPTER III Eligibility rules	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-116	896
<i>Article 57</i> <i>Eligibility</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-117	897
1. The eligibility of expenditure shall be determined on the basis of national rules, except where specific rules are laid down in, or on the basis of, this Regulation or the Fund-specific Regulations.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-118	898
2. Expenditure shall be eligible for a contribution from the Funds if it has been incurred by a beneficiary or the private partner of a PPP operation and paid in implementing operations, between the date of submission of the programme to the Commission or from 1 January 2021, whichever date is earlier, and 31 December 2029.	<u>Amendment 262</u>  Expenditure shall be eligible for a contribution from the Funds if it has been incurred by a beneficiary or the private partner of a PPP operation and paid in implementing operations, between the date of submission of the programme to the Commission or from 1 January 2021, whichever date is earlier, and 31 December <del>2029</del> <b>2030</b> .	2. Expenditure shall be eligible for a contribution from the Funds if it has been incurred by a beneficiary or the private partner of a PPP operation and paid in implementing operations, between the date of submission of the programme to the Commission or from 1 January 2021, whichever date is earlier, and 31 December 2029.	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-119	899
For costs reimbursed pursuant to points (b)	<i>[no change]</i>	For costs reimbursed pursuant to points	<i>Provisional common understanding</i>	IV-120	900

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
and (c) of Article 48(1), the actions constituting the basis for reimbursement shall be carried out between the date of submission of the programme to the Commission or from 1 January 2021, whichever is earlier, and 31 December 2029.		(b), (c) and (ef) of Article 48(1), the actions constituting the basis for reimbursement shall be carried out between the date of submission of the programme to the Commission or from 1 January 2021, whichever is earlier, and 31 December 2029.	For costs reimbursed pursuant to points (b), (c) and (ef) of Article 48(1), the actions constituting the basis for reimbursement shall be carried out between the date of submission of the programme to the Commission or from 1 January 2021, whichever is earlier, and 31 December 2029.		
3. For the ERDF, expenditure related to operations covering more than one category of region as set out in Article 102(2) within a Member State shall be allocated to the categories of regions concerned on a <i>pro rata</i> basis, based on objective criteria.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-121	901
For the ESF+, expenditure related to operations shall contribute to the achievement of the specific objectives of the programme.	<i>[no change]</i>	For the ESF+, expenditure related to operations <del>shall contribute</del> <b>can be allocated to any of the categories of regions of the programme under the condition that the operation contributes</b> to the achievement of the specific objectives of the programme.	<i>Provisional common understanding</i>  For the ESF+, expenditure related to operations <del>shall contribute</del> <b>can be allocated to any of the categories of regions of the programme under the condition that the operation contributes</b> to the achievement of the specific objectives of the programme.	IV-122	902
<b>For the JTF, expenditure related to operations shall contribute to the implementation of the relevant territorial just transition plan set out in accordance with Article [7] of the Regulation (EU) [JTF Regulation].</b>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IX-106	903
4. All or part of an operation may be implemented outside of a Member State,	<u>Amendment 263</u>	4. All or part of an operation may be implemented outside of a Member State,	<i>Provisional common understanding on the Article provision</i>	IV-123	904

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
including outside the Union, provided that the operation contributes to the objectives of the programme.	4. All or part of an operation <i>under the ERDF, the ESF+ or the Cohesion Fund</i> may be implemented outside of a Member State, including outside the Union, provided that the operation <i>falls under one of the five components of the European territorial cooperation goal (Interreg) as defined in Article 3 of the Regulation (EU) [...] ('the ETC Regulation')</i> and contributes to the objectives of the programme	including outside the Union, provided that the operation contributes to the objectives of the programme.	<i>[EP amendment withdrawn]</i>	<i>Link to recital (37)</i>	
5. For grants taking the forms of points (b), (c) and (d) of Article 48(1), the expenditure which shall be eligible for a contribution from the Funds shall equal the amounts calculated in accordance with Article 48(2).	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-124	905
6. Operations shall not be selected for support by the Funds where they have been physically completed or fully implemented before the application for funding under the programme is submitted to the managing authority, irrespective of whether all related payments have been made.	<u>Amendment 264</u>  6. Operations shall not be selected for support by the Funds where they have been physically completed or fully implemented before the application for funding under the programme is submitted to the managing authority, irrespective of whether all related payments have been made. <b><i>This paragraph shall not apply to EMFF compensation for additional costs in outermost regions or expenditure financed by specific supplementary ERDF and ESF+ allocations for outermost regions.</i></b>	6. Operations shall not be selected for support by the Funds where they have been physically completed or fully implemented before the application for funding under the programme is submitted <del>to the managing authority</del> , irrespective of whether all related payments have been made.	<i>Provisional common understanding</i>  6. Operations shall not be selected for support by the Funds where they have been physically completed or fully implemented before the application for funding under the programme is submitted <del>to the managing authority</del> , irrespective of whether all related payments have been made. <b><i>This paragraph shall not apply to the EMFF compensation for additional costs in outermost regions and to support from the additional funding for the outermost regions pursuant to Article 104(1)(e).</i></b>	IV-125	906



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		<b>This provision shall not apply to the compensation measures supported by EMFF, the compensation for additional costs in the outermost regions for fisheries and aquaculture products, as well as to the operations under Article 11 of ERDF Regulation, regarding to the specific additional allocation for the outermost regions.</b>	<i>Provisional common understanding</i> <i>[CONS amendment withdrawn]</i>	IV-126	907
7. Expenditure which becomes eligible as a result of a programme amendment shall be eligible from the date of the submission of the corresponding request to the Commission.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	IV-127	908
For the ERDF, the Cohesion Fund, that shall be the case where a new type of intervention referred to in Table 1 of Annex I or, for the AMIF, the ISF and the BMVI, in the Fund-specific Regulations is added in the programme.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	IV-128F	909
For the ERDF, the Cohesion Fund <b>and the JTF</b> , that shall be the case where a new type of intervention referred to in Table 1 of Annex I or, for the AMIF, the ISF and the BMVI, in the Fund-specific Regulations is added in the programme.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	IX-108	910
Where a programme is amended in order to provide a response to natural disasters, the programme may provide that the eligibility of expenditure relating to such amendment starts from the date when the natural disaster occurred.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	IV-129	911

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
8. Where a new programme is approved in the context of the mid-term review in accordance with Article 14, expenditure shall be eligible from the date of submission of the corresponding request to the Commission.	<i>[no change]</i>	8. Where a new programme is approved <del>in the context of the mid-term review in accordance with Article 14,</del> expenditure shall be eligible from the date of submission of the corresponding request to the Commission.	<i>Provisional common understanding</i>  8. Where a new programme is approved <del>in the context of the mid-term review in accordance with Article 14,</del> expenditure shall be eligible from the date of submission of the corresponding request to the Commission.	IV-130	912
9. An operation may receive support from one or more Funds or from one or more programmes and from other Union instruments. In such cases expenditure declared in a payment application for one of the Funds shall not be declared for either of the following:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-131	913
(a) support from another Fund or Union instrument;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-132	914
(b) support from the same Fund under another programme.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-133	915
The amount of expenditure to be entered into a payment application of a Fund may be calculated for each Fund and for the programme or programmes concerned on a <i>pro rata</i> basis, in accordance with the document setting out the conditions for support.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-134	916
<i>Article 58</i> <i>Non eligible costs</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-135	917

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
1. The following costs shall not be eligible for a contribution from the Funds:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-136	918
(a) interest on debt, except in relation to grants given in the form of an interest rate subsidy or guarantee fee subsidy;	<u>Amendment 265</u>  (a) interest on debt, except in relation to grants given in the form of an interest rate subsidy or guarantee fee subsidy <b>or in relation to a contribution to financial instruments that results from negative interest;</b>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-137	919
(b) the purchase of land for an amount exceeding 10 % of the total eligible expenditure for the operation concerned; for derelict sites and for those formerly in industrial use which comprise buildings, that limit shall be increased to 15 %; for guarantees those percentages shall apply to the amount of the underlying loan;	<i>[no change]</i>	(b) the purchase of land for an amount exceeding 10 % of the total eligible expenditure for the operation concerned; for derelict sites and for those formerly in industrial use which comprise buildings, that limit shall be increased to 15 %; <del>for guarantees</del> those percentages shall apply <b>to the programme contribution paid to the final recipient or, in case of guarantees,</b> to the amount of the underlying loan;	<i>Provisional common understanding</i>  (b) the purchase of land for an amount exceeding 10 % of the total eligible expenditure for the operation concerned; for derelict sites and for those formerly in industrial use which comprise buildings, that limit shall be increased to 15 %; <del>for guarantees</del> <b>for financial instruments,</b> those percentages shall apply <b>to the programme contribution paid to the final recipient or, in case of guarantees,</b> to the amount of the underlying loan;	IV-138	920
(c) value added tax ('VAT'), except for operations the total cost of which is below EUR 5 000 000.	<u>Amendment 266</u>  <del>(c) value added tax ('VAT'), except for operations the total cost of which is below EUR 5 000 000</del>	(c) value added tax ('VAT'), except <del>for operations where it is non-recoverable</del> <b>under national VAT legislation.</b>	<i>Provisional common understanding</i>  (c) value added tax ('VAT'), except:  <b>i) for operations the total cost of which is below EUR 5 000 000 (including VAT); and</b>  <b>ii) for operations the total cost of</b>	IV-139	921

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<b>which is at least EUR 5 000 000 (including VAT) where it is non-recoverable under national VAT legislation.</b>		
		<b>The treatment of VAT at the total cost of which is below EUR 5 000 000 level of investments made by final recipients shall not be taken into account for the purposes of determining the eligibility of expenditure under the financial instrument. However, where financial instruments are combined with grants under Article 52(5), the provisions of first subparagraph shall apply to the grant.</b>	<i>Provisional common understanding</i>  <b>(iii) investments made by final recipients in the context of financial instruments; where these investments are supported by financial instruments combined with programme support in the form of a grant as referred to in Article 52(5), the VAT shall not be eligible for the part of the investment cost which corresponds to the programme support in the form of a grant, unless the VAT for the investment cost is non-recoverable under national VAT legislation or where the part of the investment cost corresponding to the programme support in the form of the grant is below EUR 5 million (including VAT).</b>	IV-140	922
For point (b), the limits shall not apply to operations concerning environmental conservation.	<i>[no change]</i>	<del>For point</del> <b>Point (b), the limits</b> shall not apply to operations concerning environmental conservation.	<i>Provisional common understanding:</i>  <del>For point</del> <b>Point (b), the limits</b> shall not apply to operations concerning environmental conservation.	IV-141	923
	<u>Amendment 267</u>  <b>The eligibility for value added tax ('VAT') operations shall be determined on a case-by-case approach, except for operations the total cost of which is</b>		<i>Provisional common understanding</i>  <i>[EP amendment withdrawn]</i>	IV-142	924

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>below EUR 5 000 000, and for investments and expenditure by final recipients.</i>				
2. The Fund-specific Regulations may identify additional costs that are not eligible for a contribution from each Fund.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	IV-143	925
<i>Article 59 Durability of operations</i>	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	IV-144	926
1. The Member State shall repay the contribution from the Funds to an operation comprising investment in infrastructure or productive investment, if within five years of the final payment to the beneficiary or within the period of time set out in State aid rules, where applicable, that operation is subject to any of the following:	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	IV-145	927
(a) a cessation or transfer of a productive activity;	<i>[no change]</i>	(a) a cessation or transfer of a productive activity <b>outside the geographical area covered by the programme;</b>	Provisional common understanding  (a) a cessation or transfer of a productive activity <b>outside the NUTS level 2 region in which it received support;</b>	IV-146	928
(b) a change in ownership of an item of infrastructure which gives to a firm or a public body an undue advantage;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	IV-147	929
(c) a substantial change affecting its nature, objectives or implementation conditions which would result in undermining its original objectives.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	IV-148	930

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
The Member State may reduce the time limit set out in the first subparagraph to three years in cases concerning the maintenance of investments or jobs created by SMEs.	<u>Amendment 268</u>  The Member State may reduce the time limit set out in the first subparagraph to three years in <b>the duly justified</b> cases referred to in points (a), (b) and (c) concerning the maintenance of investments or jobs created by SMEs.	[no change]	Provisional common understanding  [no change]	IV-149	931
		<b>Repayment by the Member State due to non-compliance with this Article shall be made in proportion to the period of non-compliance.</b>	Provisional common understanding  <b>Repayment by the Member State due to non-compliance with this Article shall be made in proportion to the period of non-compliance.</b>	IV-150	932
2. Operations supported by the ESF+ shall repay the support from the ESF+ only when they are subject to an obligation for maintenance of investment under State aid rules.	[no change]	[no change]	Provisional common understanding  [no change]	IV-151F	933
2. Operations supported by the ESF+ or by the JTF in accordance with [points (h), (i) and (j) of Article 4(2)] of Regulation (EU) [JTF Regulation] shall repay the support when they are subject to an obligation for maintenance of investment under State aid rules.	2. Operations supported by the ESF+ or by the JTF in accordance with [points (h), (i) and (j) of Article 4(2)] of Regulation (EU) [JTF Regulation] shall repay the support <b>only</b> when they are subject to an obligation for maintenance of investment under State aid rules.	[no change]	Provisional common understanding  [no change]  <i>Comment: final wording to be checked and aligned if need be with the outcome of discussions on Art. 4(2) of the JTF Regulation.</i>	IX-110	934
3. Paragraphs 1 and 2 shall not apply to any operation which undergoes cessation of a productive activity due to a non-fraudulent bankruptcy.	<u>Amendment 269</u>  3. Paragraphs 1 and 2 shall not apply to <b>programme contributions to or from financial instruments and</b> any operation which undergoes cessation of a	3. Paragraphs 1 and 2 shall not apply to <b>contributions to or by financial instruments or to</b> any operation which undergoes cessation of a productive activity due to a non-fraudulent	Provisional common understanding  3. Paragraphs 1 and 2 shall not apply to <b>programme contributions to or by financial instruments or to</b> any operation which undergoes cessation of a	IV-152	935

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
	productive activity due to a non-fraudulent bankruptcy	bankruptcy.	productive activity due to a non-fraudulent bankruptcy.		
<i>Article 60</i> <i>Relocation</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-153	936
1. Expenditure supporting relocation as defined in Article 2(26) shall not be eligible for a contribution from the Funds.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-154	937
2. Where a contribution from the Funds constitutes State aid, the managing authority shall satisfy itself that the contribution does not support relocation in accordance with Article 14(16) of Commission Regulation (EU) No 651/2014.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-155	938
<i>Article 61</i> <i>Specific eligibility rules for grants</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-156	939
1. Contributions in kind in the form of provision of works, goods, services, land and real estate for which no payment supported by invoices, or documents of equivalent probative value, has been made, may be eligible where the following conditions are fulfilled:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-157	940
(a) the public support paid to the operation which includes contributions in kind does not exceed the total eligible expenditure, excluding contributions in kind, at the end of the operation;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-158	941

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
(b) the value attributed to contributions in kind does not exceed the costs generally accepted on the market in question;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-159	942
(c) the value and the delivery of the contribution in kind can be independently assessed and verified;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-160	943
(d) in the case of provision of land or real estate, a payment, for the purposes of a lease agreement of a nominal amount per annum not exceeding a single unit of the currency of the Member State, may be made;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-161	944
(e) in the case of contributions in kind in the form of unpaid work, the value of that work is determined by taking into account the verified time spent and the rate of remuneration for equivalent work.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-162	945
The value of the land or real estate referred to in point (d) of the first subparagraph of this Article shall be certified by an independent qualified expert or duly authorised official body and shall not exceed the limit laid down in Article 58(1)(b).	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-163	946
2. Depreciation costs for which no payment supported by invoices has been made, may be considered as eligible where the following conditions are fulfilled:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-164	947
(a) the eligibility rules of the programme allow for it;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>	IV-165	948



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			[no change]		
(b) the amount of the expenditure is duly justified by supporting documents having equivalent probative value to invoices for eligible costs where those costs were reimbursed in the form referred to in Article 48(1)(a);	[no change]	[no change]	Provisional common understanding  [no change]	IV-166	949
(c) the costs relate exclusively to the period of support for the operation;	[no change]	[no change]	Provisional common understanding  [no change]	IV-167	950
(d) public grants have not contributed towards the acquisition of the depreciated assets.	[no change]	[no change]	Provisional common understanding  [no change]	IV-168	951
<i>Article 62</i> <i>Specific eligibility rules for financial instruments</i>	[no change]	[no change]	Provisional common understanding  [no change]	IV-169	952
1. Eligible expenditure of a financial instrument shall be the total amount of programme contribution paid to, or, in the case of guarantees, set aside as agreed in guarantee contracts, by, the financial instrument within the eligibility period, where that amount corresponds to:	[no change]	1. Eligible expenditure of a financial instrument shall be the total amount of programme contribution paid to, or, in the case of guarantees, set aside <del>as agreed in</del> <b>for</b> guarantee contracts, by, the financial instrument within the eligibility period, where that amount corresponds to:	Provisional common understanding  1. Eligible expenditure of a financial instrument shall be the total amount of programme contribution paid to, or, in the case of guarantees, set aside <del>as agreed in</del> <b>for</b> guarantee contracts, by, the financial instrument within the eligibility period, where that amount corresponds to:	IV-170	953
(a) payments to final recipients, in the case of loans, equity and quasi-equity investments;	[no change]	[no change]	Provisional common understanding  [no change]	IV-171	954

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
(b) resources set aside as agreed in guarantee contracts, whether outstanding or having already come to maturity, in order to honour possible guarantee calls for losses, calculated based on a multiplier ratio covering a multiple amount of underlying disbursed new loans, equity or quasi-equity investments in final recipients;	<i>[no change]</i>	(b) resources set aside <del>as agreed in</del> for guarantee contracts, whether outstanding or having already come to maturity, in order to honour possible guarantee calls for losses, calculated based on a <b>prudent ex ante risk assessment and in accordance with the</b> multiplier ratio <del>covering a multiple amount of</del> <b>established for the respective</b> underlying disbursed new loans, equity or quasi-equity investments in final recipients;	<i>Provisional common understanding</i>  (b) resources set aside <del>as agreed in</del> for guarantee contracts, whether outstanding or having already come to maturity, in order to honour possible guarantee calls for losses, calculated based on a multiplier ratio <del>covering a multiple amount of</del> <b>established for the respective</b> underlying disbursed new loans, equity or quasi-equity investments in final recipients;	IV-172  <i>Link to Article 2(23)</i>	955
(c) payments to, or for the benefit of, final recipients where financial instruments are combined with other Union contribution in a single financial instrument operation in accordance with Article 52(5);	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-173	956
(d) payments of management fees and reimbursements of management costs incurred by the bodies implementing the financial instrument.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IV-174	957
		<b>1a. Where a financial instrument is implemented across consecutive programming periods, support may be provided to, or for the benefit of, final recipients, including management costs and fees, based on legal commitments made under the previous programming period, provided that such support complies with the eligibility rules of the subsequent programming period. In such cases, the eligibility of expenditure submitted in payment applications shall</b>	<i>Provisional common understanding</i>  <b>1a. Where a financial instrument is implemented across consecutive programming periods, support may be provided to, or for the benefit of, final recipients, including management costs and fees, based on agreements made under the previous programming period, provided that such support complies with the eligibility rules of the subsequent</b>	IV-175	958

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		be determined in accordance with the rules of the respective programming period.	programming period. In such cases, the eligibility of expenditure submitted in payment applications shall be determined in accordance with the rules of the respective programming period.		
2. For point (b) of paragraph 1, the multiplier ratio shall be established in a prudent <i>ex ante</i> risk assessment and agreed in the relevant funding agreement. The multiplier ratio may be reviewed, where justified by subsequent changes in market conditions. Such a review shall not have retroactive effect.	[no change]	2. For point (b) of paragraph 1, <b>if the entity benefiting from the guarantees has not disbursed the planned amount of new loans, equity or quasi-equity investments to final recipients in accordance with the multiplier ratio shall be established in a prudent <i>ex ante</i> risk assessment and agreed in the relevant funding agreement, the eligible expenditure shall be reduced proportionally.</b> The multiplier ratio may be reviewed, where justified by subsequent changes in market conditions. Such a review shall not have retroactive effect <b>on the eligible expenditure corresponding to the amount of the underlying support which has been paid back.</b>	<i>Provisional common understanding</i>  2. For point (b) of paragraph 1, <b>if the entity benefiting from the guarantees has not disbursed the planned amount of new loans, equity or quasi-equity investments to final recipients in accordance with the multiplier ratio shall be established in a prudent <i>ex ante</i> risk assessment and agreed in the relevant funding agreement, the eligible expenditure shall be reduced proportionally.</b> The multiplier ratio may be reviewed, where justified by subsequent changes in market conditions. Such a review shall not have retroactive effect.	IV-176	959
3. For point (d) of paragraph 1, management fees shall be performance based. Where bodies implementing a holding fund and/or specific funds, pursuant to Article 53(3), are selected through a direct award of contract, the amount of management cost and fees paid to those bodies that can be declared as eligible expenditure shall be subject to a threshold of up to 5 % of the total amount	<u>Amendment 270</u>  For point (d) of paragraph 1, management fees shall be performance based. <b>For the first twelve months of implementation of the financial instrument, base remuneration for management costs and fees shall be eligible.</b> Where bodies implementing a holding fund and/or specific funds, pursuant to Article 53(3)	3. For point (d) of paragraph 1, <del>management fees shall be performance based. Where</del> <b>where</b> bodies implementing a holding fund and/or specific funds, pursuant to Article 53(3), are selected through a direct award of contract, <b>pursuant to Article 53(2a),</b> the amount of management cost and fees paid to those bodies that can be declared as eligible expenditure shall be subject to <b>shall be a</b>	<i>Provisional common understanding</i>  3. For point (d) of paragraph 1, management fees shall be performance based. Where bodies implementing a holding fund and/or specific funds, pursuant to Article 53(3), are selected through a direct award of contract <b>pursuant to Article 53(2a),</b> the amount of management cost and fees paid to	IV-177	960

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
of programme contributions disbursed to final recipients in loans, equity or quasi-equity investments or set aside as agreed in guarantee contracts.	<b>53(2)</b> , are selected through a direct award of contract, the amount of management cost and fees paid to those bodies that can be declared as eligible expenditure shall be subject to a threshold of up to 5 % of the total amount of programme contributions disbursed to final recipients in loans, equity or quasi-equity investments or set aside as agreed in guarantee contracts	<del>threshold</del> <b>flat rate</b> of up to <del>5</del> <b>10%</b> of the total amount <b>included in each payment application pursuant to Article 86(2)(a) and (b). The flat rate shall be up to 20%</b> of programme contributions <del>disbursed</del> <b>the total amount related to final recipients in loans, equity or quasi-equity investments or set aside as agreed</b> included in guarantee contracts <del>each payment application pursuant to Article 86(2)(b).</del>	those bodies that can be declared as eligible expenditure shall be subject to a threshold of up to 5% of the total amount of programme contributions disbursed to final recipients in loans, equity or quasi-equity investments or set aside for as agreed in guarantee contracts <b>and up to 7% of the total amount of programme contributions disbursed to final recipients in equity and quasi-equity investments.</b>  <b>Where bodies implementing a specific fund are selected through a direct award of contract pursuant to Article 53(2a), the amount of management cost and fees paid to those bodies that can be declared as eligible expenditure shall be subject to a threshold of up to 7% of the total amount of programme contributions disbursed to final recipients in loans or set aside for in guarantee contracts and up to 15% of the total amount of programme contributions disbursed to final recipients in equity or quasi-equity investments.</b>  <i>Comment: the Commission will propose a Recital on its reporting, at mid-term, on the FIs implementation in the context of management costs and fees.</i>		
That threshold is not applicable where the selection of bodies implementing financial instruments is made through a competitive	<u>Amendment 271</u> <del>That threshold is not applicable</del> Where	<del>That threshold is not applicable where the selection</del> <b>For point (d) of paragraph 1,</b> bodies implementing financial instruments	Provisional common understanding <del>That threshold is not applicable where</del>	IV-178	961

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
tender in accordance with the applicable law and the competitive tender establishes the need for a higher level of management costs and fees.	the selection of bodies implementing financial instruments is made through a competitive tender in accordance with the applicable law and the competitive tender establishes the need for a higher level of management costs and fees <i>which shall be performance-based.</i>	<del>is made</del> <b>a holding fund and/or specific funds are selected</b> through a competitive tender in accordance with the applicable law <del>and, the amount of management costs and fees shall be established in the funding agreement reflecting the result of the competitive tender establishes the need for a higher level of. Such management costs and fees- shall consist of both a base and a performance-based remuneration.</del>	<del>the selection</del> <b>For point (d) of paragraph 1, where</b> bodies implementing financial instruments <del>is made</del> <b>a holding fund and/or specific funds are selected</b> through a competitive tender in accordance with the applicable law <del>and, the amount of management costs and fees shall be established in the funding agreement and shall reflecting the result of the competitive tender. -establishes the need for a higher level of management costs and fees.</del>		
4. Where arrangement fees, or any part thereof, are charged to final recipients, they shall not be declared as eligible expenditure.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	IV-179	962
5. The eligible expenditure declared in accordance with paragraph 1 shall not exceed the sum of the total amount of support from the Funds paid for the purposes of that paragraph and the corresponding national co-financing.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	IV-180	963
TITLE VI MANAGEMENT AND CONTROL	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	V-1	964
CHAPTER I General rules on management and control	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	V-2	965
<i>Article 63 Responsibilities of Member States</i>	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	V-3	966

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
1. Member States shall have management and control systems for their programmes in accordance with this Title and ensure their functioning in accordance with sound financial management and the key requirements listed in Annex X.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	V-4	967
2. Member States shall ensure the legality and regularity of expenditure included in the accounts submitted to the Commission and shall take all required actions to prevent, detect and correct and report on irregularities including fraud.	<u>Amendment 272</u>  2. Member States shall ensure the legality and regularity of expenditure included in the accounts submitted to the Commission and shall take all required actions to prevent, detect and correct and report on irregularities including fraud. <b>Member States shall fully cooperate with OLAF.</b>	<i>[no change]</i>	Provisional common understanding  2. Member States shall ensure the legality and regularity of expenditure included in the accounts submitted to the Commission and shall take all required actions to prevent, detect and correct and report on irregularities including fraud. <b>These actions comprise the collection of information on the beneficial owners of the recipients of funding in accordance with Annex XYZ. The rules related to the collection and processing of such data shall comply with applicable data protection rules. The Commission, the European Anti-Fraud Office and the European Court of Auditors shall have the necessary access to this information.</b>  <i>[No agreement among co-legislators on the trilogue outcome on Annex XYZ due to diverging opinions on the conclusions. Subject to further discussion.]</i>	V-5  <i>Link to recital (58)</i>	968
3. Member States shall, upon request of the Commission, take the actions necessary to ensure the effective functioning of their management and	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	V-6	969

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
control systems and the legality and regularity of expenditure submitted to the Commission. Where that action is an audit, the Commission officials or their authorised representatives may take part.					
4. Member States shall ensure the quality and reliability of the monitoring system and of data on indicators.	<u>Amendment 273</u> 4. Member States shall ensure the quality, <b>independence</b> and reliability of the monitoring system and of data on indicators.	<i>[no change]</i>	<i>Provisional common understanding</i> 4. Member States shall ensure the quality, <b>accuracy</b> and reliability of the monitoring system and of data on indicators.	V-7	970
			<i>Provisional common understanding</i>  4a. <b>Member States shall ensure the publication of information in accordance with the requirements established in this Regulation and in the Fund-specific Regulations, except where Union law or national law excludes such publication for reasons of security, public order, criminal investigations, or protection of personal data in accordance with Regulation (EU) 2016/679[1] of the European Parliament and of the Council.</b>	<i>Link to III-2</i>	971
5. Member States shall have systems and procedures to ensure that all documents required for the audit trail <del>asset</del> set out in Annex XI are kept in accordance with the requirements set out in Article 76.	<i>[no change]</i>	5. Member States shall have systems and procedures to ensure that all documents required for the audit trail <del>asset</del> set out in Annex XI are kept in accordance with the requirements set out in Article 76.	<i>Provisional common understanding</i> 5. Member States shall have systems and procedures to ensure that all documents required for the audit trail <del>asset</del> as set out in Annex XI are kept in accordance with the requirements set out in Article	V-8	972

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			76.		
6. Member States shall make arrangements for ensuring the effective examination of complaints concerning the Funds. They shall, upon request by the Commission, examine complaints submitted to the Commission falling within the scope of their programmes and shall inform the Commission of the results of those examinations.	<u>Amendment 274</u>  Member States shall make arrangements for ensuring the effective examination of complaints concerning the Funds. <b><i>The scope, rules and procedures concerning those arrangements shall be the responsibility of Member States in accordance with their institutional and legal framework.</i></b> They shall, upon request by the Commission <b><i>in accordance with Article 64(4a)</i></b> , examine complaints submitted to the Commission falling within the scope of their programmes and shall inform the Commission of the results of those examinations.	6. Member States shall make arrangements for ensuring the effective examination of complaints concerning the Funds. <del>They</del> <b>The scope, rules and procedures concerning such arrangements shall be the responsibility of Member States in accordance with their institutional and legal framework.</b> Member States shall, upon request by the Commission, examine complaints submitted to the Commission falling within the scope of their programmes and shall inform the Commission of the results of those examinations.	<i>Provisional common understanding</i>  6. Member States shall make arrangements for ensuring the effective examination of complaints concerning the Funds. <del>They</del> <b>The scope, rules and procedures concerning such arrangements shall be the responsibility of Member States in accordance with their institutional and legal framework. This is without prejudice to the general possibility to address complaints to the Commission by citizens and stakeholders.</b> Member States shall, upon request by the Commission, examine complaints submitted to the Commission falling within the scope of their programmes and shall inform the Commission of the results of those examinations.	V-9	973
For the purposes of this Article, complaints cover any dispute between potential and selected beneficiaries with regard to the proposed or selected operation and any disputes with third parties on the implementation of the programme or operations thereunder, irrespective of the qualification of means of legal redress established under national law.	<i>[no change]</i>	<del>For the purposes of this Article, complaints cover any dispute between potential and selected beneficiaries with regard to the proposed or selected operation and any disputes with third parties on the implementation of the programme or operations thereunder, irrespective of the qualification of means of legal redress established under national law.</del>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-10	974
7. Member States shall ensure that all exchanges of information between	<u>Amendment 275</u>  Member States shall ensure that all	7. Member States shall ensure that all exchanges of information between	<i>Provisional common understanding</i>  7. Member States shall ensure that all	V-11	975



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
beneficiaries and the programme authorities are carried out by means of electronic data exchange systems in accordance with Annex XII.	exchanges of information between beneficiaries and the programme authorities are carried out by means of <b>user-friendly</b> electronic data exchange systems in accordance with Annex XII.	beneficiaries and the programme authorities <del>are</del> <b>can be</b> carried out by means of electronic data exchange systems in accordance with Annex XII.	<p>exchanges of information between beneficiaries and the programme authorities are carried out by means of electronic data exchange systems in accordance with Annex XII.</p> <p><b>Member States shall promote the benefits of electronic data exchange and provide all necessary support to beneficiaries in this respect.</b></p> <p><b>By way of derogation from the first subparagraph, upon the explicit request of a beneficiary, the managing authority may exceptionally accept the exchanges of information in paper format, without prejudice to its obligation to record and store data in accordance with Article 66(1)(e).</b></p> <p><i>The title of Section 1 of Annex XII is amended as follows:</i></p> <p>“1. Responsibilities of programme authorities regarding the <del>functioning</del> <b>characteristics</b> of electronic data exchange systems”</p> <p>A new point 1.2bis is added:</p> <p><b>“1.2 bis Ensuring that the system aims to make use of logical, simple and intuitive functions and interface”</b></p>		
For programmes supported by the EMFF, the AMIF, the ISF and the BMVI, the first sub-paragraph shall apply as from 1	<u>Amendment 276</u>  For programmes supported by the EMFF,	[no change]	Provisional common understanding  [no change]	V-12	976

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
January 2023.	the AMIF, the ISF and the BMVI, the first sub-paragraph shall apply as from 1 January <del>2022</del> 2023.				
			<i>Provisional common understanding</i>  <b>For programmes supported by the AMIF, the ISF and the BMVI, the obligations concerning the collection of information on the beneficial owners of the recipients of funding in accordance with Annex XYZ as set out in paragraph 2 shall apply as from 1 January 2023.</b>		976a
The first sub-paragraph shall not apply to programmes under Article [4(1)(c)(vii)] of the ESF+ Regulation.	<u>Amendment 277</u>  The first sub-paragraph shall not apply to programmes under Article [ <del>4(1)(c)(vii)]</del> [4(1)(xi)] of the ESF+ Regulation.	The first sub-paragraph shall not apply to programmes <b>or priorities</b> under Article [4(1)(e)( <del>viii</del> )] of the ESF+ Regulation.	<i>Provisional common understanding</i>  The first sub-paragraph shall not apply to programmes <b>or priorities</b> under Article [4(1)(e)( <del>viii</del> )] of the ESF+ Regulation.	V-13	977
8. Member States shall ensure that all official exchanges of information with the Commission are carried out by means of an electronic data exchange system in accordance with Annex XIII.	[no change]	[no change]	<i>Provisional common understanding</i>  [no change]	V-14	978
		<b>8a. The Member State shall provide, or shall ensure that the managing authorities provide, forecasts of the amount for payment applications to be submitted for the current and subsequent calendar year by 31 January and 31 July, in accordance</b>	<i>Provisional common understanding</i>  <b>8a. The Member State shall provide, or shall ensure that the managing authorities provide, forecasts of the amount for payment applications to be submitted for the current and subsequent calendar year by 31</b>	V-15  <i>Link row V-81</i>	979

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		<b>with Annex VII bis.</b>	<b>January and 31 July, in accordance with Annex VII bis.</b>  <i>* Content of Annex VIIbis to be discussed at a later stage.</i>		
9. Each Member State shall draw up, after the approval of the programme and at the latest by the time of submission of the final payment application for the first accounting year and no later than 30 June 2023, a description of the management and control system in accordance with the template set out in Annex XIV. It shall keep that description updated to reflect any subsequent modifications.	<i>[no change]</i>	9. Each Member State shall <del>draw up, after the approval of the programme and</del> <b>have in place</b> , at the latest by the time of submission of the final payment application for the first accounting year and no later than 30 June 2023, a description of the management and control system in accordance with the template set out in Annex XIV. It shall keep that description updated to reflect any subsequent modifications.	<i>Provisional common understanding</i>  9. Each Member State shall <del>draw up, after the approval of the programme and</del> <b>have in place</b> , at the latest by the time of submission of the final payment application for the first accounting year and no later than 30 June 2023, a description of the management and control system in accordance with the template set out in Annex XIV. It shall keep that description updated to reflect any subsequent modifications.	V-16	980
10. The Commission is empowered to adopt delegated acts in accordance with Article 107 to supplement paragraph 2 of this Article by setting out the criteria for determining the cases of irregularity to be reported and the data to be provided.	<i>[no change]</i>	<del>10. The Commission is empowered to adopt delegated acts in accordance with Article 107 to supplement paragraph 2 of this Article by</del>  <b>10. Annex YZ is setting out the criteria for determining the cases of irregularity to be reported and the data to be provided- as well as the format to be used for reporting of irregularities.</b>	<i>Provisional common understanding</i>  <del>10. The Commission is empowered to adopt delegated acts in accordance with Article 107 to supplement paragraph 2 of this Article by</del>  <b>Member States shall report on irregularities in accordance with the criteria for determining the cases of irregularity to be reported, the data to be provided and the format for reporting set out in Annex YZ.</b>	V-17	981
11. The Commission shall adopt an implementing act setting out the format to be used for reporting of irregularities in	<u>Amendment 278</u>  11. The Commission shall adopt an	<del>11. The Commission shall adopt an implementing act setting out the format to be used for reporting of irregularities in</del>	<i>Provisional common understanding</i>  <del>11. The Commission shall adopt an</del>	V-18	982

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
accordance with the advisory procedure referred to in Article 109(2) in order to ensure uniform conditions for the implementation of this Article.	implementing act setting out the format to be used for reporting of irregularities in accordance with the advisory procedure referred to in Article 109(2) in order to ensure uniform conditions <b>and rules</b> for the implementation of this Article.	<del>accordance with the advisory procedure referred to in Article 109(2) in order to ensure uniform conditions for the implementation of this Article.</del>	<del>implementing act setting out the format to be used for reporting of irregularities in accordance with the advisory procedure referred to in Article 109(2) in order to ensure uniform conditions for the implementation of this Article.</del>		
<i>Article 64</i> <i>Commission powers and responsibilities</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-19	983
1. The Commission shall satisfy itself that Member States have management and control systems that comply with this Regulation and that those systems function effectively during the implementation of the programmes. The Commission shall draw up an audit strategy and an audit plan which shall be based on a risk-assessment.	<u>Amendment 279</u>  The Commission shall satisfy itself that Member States have management and control systems that comply with this Regulation and that those systems function effectively <b>and efficiently</b> during the implementation of the programmes. The Commission shall draw up <b>for Member States</b> an audit strategy and an audit plan which shall be based on a risk-assessment.	<i>[no change]</i>	<i>Provisional common understanding</i>  The Commission shall satisfy itself that Member States have management and control systems that comply with this Regulation and that those systems function effectively <b>and efficiently</b> during the implementation of the programmes. The Commission shall draw up, <b>for its own audit work</b> , an audit strategy and an audit plan which shall be based on a risk-assessment.	V-20	984
The Commission and the audit authorities shall coordinate their audit plans.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-21	985
2. Commission audits shall be carried out up to three calendar years following the acceptance of the accounts in which the expenditure concerned was included. This period shall not apply to operations where there is a suspicion of fraud.	<u>Amendment 280</u>  2. Commission audits shall be carried out up to <del>three</del> <b>two</b> calendar years following the acceptance of the accounts in which the expenditure concerned was included. This period shall not apply to operations where there is a suspicion of fraud.	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-22	986

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
3. For the purpose of their audits, Commission officials or their authorised representatives shall have access to all necessary records, documents and metadata, irrespective of the medium in which they are stored, relating to operations supported by the Funds or to management and control systems and shall receive copies in the specific format requested.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-23	987
4. For on-the-spot audits, the following shall also apply:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-24	988
(a) the Commission shall give at least 12 working days' notice for the audit to the competent programme authority, except in urgent cases. Officials or authorised representatives of the Member State may take part in such audits.	<u>Amendment 281</u>  a) the Commission shall give at least <del>12</del> <b>15</b> working days' notice for the audit to the competent programme authority, except in urgent cases. Officials or authorised representatives of the Member State may take part in such audits.	<i>[no change]</i>	<i>Provisional common understanding</i>  a) the Commission shall give at least <del>12</del> <b>15</b> working days' notice for the audit to the competent programme authority, except in urgent cases. Officials or authorised representatives of the Member State may take part in such audits.	V-25	989
(b) where the application of national provisions reserves certain acts for agents specifically designated by national legislation, Commission officials and authorised representatives shall have access to the information thus obtained without prejudice to the competences of national courts and in full respect of the fundamental rights of the legal subjects concerned.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-26	990
(c) the Commission shall transmit the	<u>Amendment 282</u>	(c) the Commission shall transmit the	<i>Provisional common understanding</i>	V-27	991

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
preliminary audit findings, in at least one of the official languages of the Union, no later than 3 months after the last day of the audit, to the competent Member State authority.	(c) the Commission shall transmit the preliminary audit findings, in at least one of the official languages of the Union, no later than <del>3</del> 2 months after the last day of the audit, to the competent Member State authority.	preliminary audit findings, <del>in at least one of the official languages of the Union,</del> no later than 3 months after the last day of the audit, to the competent Member State authority.	(c) the Commission shall transmit the preliminary audit findings, <del>in at least one of the official languages of the Union,</del> no later than 3 months after the last day of the audit, to the competent Member State authority.		
(d) the Commission shall transmit the audit report, in at least one of the official languages of the Union, no later than 3 months from the date of receiving a complete reply from the competent Member State authority to the preliminary audit findings.	<u>Amendment 283</u>  (d) the Commission shall transmit the audit report, in at least one of the official languages of the Union, no later than <del>3</del> 2 months from the date of receiving a complete reply from the competent Member State authority to the preliminary audit findings. <i>The Member State's reply shall be considered complete if the Commission has not reported on the existence of outstanding documentation within 2 months.</i>	(d) the Commission shall transmit the audit report, <del>in at least one of the official languages of the Union,</del> no later than 3 months from the date of receiving a complete reply from the competent Member State authority to the preliminary audit findings.	<i>Provisional common understanding</i>  (d) the Commission shall transmit the audit report, <del>in at least one of the official languages of the Union,</del> no later than 3 months from the date of receiving a complete reply from the competent Member State authority to the preliminary audit findings. <b>The Member State's reply shall be considered complete in the absence of a request from the Commission to provide further information or a revised document within 2 months from the date of receipt of the Member State's response.</b>	V-28	992
The Commission may extend the time limits referred in points (c) and (d) by an additional three months.	<u>Amendment 284</u>  The Commission may <i>in duly justified cases</i> extend the time limits referred in points (c) and (d) by an additional <del>three</del> <i>two</i> months.	<del>The Commission may extend</del> <b>For the purpose of complying with</b> the time limits referred <del>set out</del> in points (c) and (d) <del>by an additional three months.</del> <b>above, the Commission shall make available the preliminary audit findings and the audit report in at least one of the official languages of the institutions of the Union.</b>	<i>Provisional common understanding</i>  <del>The Commission may extend</del> <b>For the purpose of complying with</b> the time limits referred <del>set out</del> in points (c) and (d) <del>by an additional three months.</del> <b>above, the Commission shall make available the preliminary audit findings and the audit report in at least one of the official languages of the institutions of the Union.</b>	V-29	993

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		<b>The time limits referred to in points (c) and (d) may be extended upon agreement between the Commission and the competent Member State authority.</b>	<i>Provisional common understanding</i> <b>The time limits referred to in points (c) and (d) may be extended when it is deemed necessary and agreed upon between the Commission and the competent Member State authority.</b>	V-30	994
		<b>Where a time limit is set for a reply by the Member State to the preliminary audit findings or the audit report referred to in points (c) and (d), that time limit shall start upon their receipt by the competent Member State authority in at least one of the official languages of the concerned Member State.</b>	<i>Provisional common understanding</i> <b>Where a time limit is set for a reply by the Member State to the preliminary audit findings or the audit report referred to in points (c) and (d), that time limit shall start upon their receipt by the competent Member State authority in at least one of the official languages of the concerned Member State.</b>	V-31	995
	<u>Amendment 285</u> <b>4a. Without prejudice to paragraph 6 of Article 63, the Commission shall provide for a complaints handling system which shall be accessible to citizens and stakeholders.</b>		<i>Provisional common understanding</i> <i>[EP amendment withdrawn]</i>	V-31bis <i>Link to recital (45a)</i>	996
<i>Article 65</i> <i>Programme authorities</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	V-32	997
1. For the purposes of Article [63(3)] of the Financial Regulation, the Member State shall identify for each programme a managing authority and an audit authority.	<i>[no change]</i>	1. For the purposes of Article [63(3)] of the Financial Regulation, the Member State shall identify for each programme a managing authority and an audit authority.	<i>Provisional common understanding</i> 1. For the purposes of Article [63(3)] of the Financial Regulation, the Member	V-33	998

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
Where a Member State makes use of the option referred to in Article 66(2), the body concerned shall be identified as a programme authority. Those same authorities may be responsible for more than one programme.		Where a Member State <del>makes use of the option referred to in</del> <b>entrusts the accounting function to a body other than the managing authority in accordance with</b> Article 66(2), the body concerned shall <b>also</b> be identified as a programme authority. Those same authorities may be responsible for more than one programme.	State shall identify for each programme a managing authority and an audit authority. Where a Member State <del>makes use of</del> <b>entrusts the option referred accounting function to a body other than the managing authority in accordance with</b> Article 66(2), the body concerned shall <b>also</b> be identified as a programme authority. Those same authorities may be responsible for more than one programme.		
2. The audit authority shall be a public authority, functionally independent from the auditees.	<u>Amendment 286</u>  2. The audit authority shall be a public <i>or private</i> authority, functionally independent from the <del>auditees</del> <b>Management Authority and the bodies or entities to which functions have been entrusted or delegated.</b>	<i>[no change]</i>	<i>Provisional common understanding</i>  2. The audit authority shall be a public authority, <del>functionally independent from the auditees.</del> <b>Audit work may be carried out by a public or private body other than the audit authority under its responsibility. The audit authority and any body carrying out audit work under the responsibility of the audit authority shall be functionally independent from the auditees.</b>	V-34	999
3. The managing authority may identify one or more intermediate bodies to carry out certain tasks under its responsibility. Arrangements between the managing authority and intermediate bodies shall be recorded in writing.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-35	1000
4. Member States shall ensure that the principle of separation of functions between and within the programme authorities is respected.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-36	1001



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
5. The body implementing the programme co-fund as referred to in Article [11] of Regulation EU (...) [ <i>Horizon Europe Rules for Participation</i> ] shall be identified as an intermediate body by the managing authority of the relevant programme, in line with paragraph 3.	<i>[no change]</i>	5. <del>The body implementing the</del> <b>Where a cohesion policy programme contributes to a programme co-fund as referred to in Article [11] of Regulation EU (...) [<i>Horizon Europe Rules for Participation</i>], the body implementing the programme co-fund shall be identified as an intermediate body by the managing authority of the relevant programme, in line with paragraph 3.</b>	<i>Provisional common understanding</i> <del>5. The body implementing the</del> <b>Where a programme provides, in line with its objectives, support from the ERDF or the ESF+ to a programme co-funded by Horizon Europe, as referred to in Article [8(1)(b)] of Regulation (...) [<i>Horizon Europe Rules for Participation and Dissemination</i>], the body implementing the programme co-funded by Horizon Europe shall be identified as an intermediate body by the managing authority of the relevant programme, in <del>the</del> accordance with paragraph 3.</b>	V-37	1002
		<b>6. The Member State, at its own initiative, may set up a coordination body to liaise with and provide information to the Commission and to coordinate activities of the programme authorities in that Member State.</b>	<i>Provisional common understanding</i> <b>6. The Member State, at its own initiative, may set up a coordination body to liaise with and provide information to the Commission and to coordinate activities of the programme authorities in that Member State.</b>	V-38 <i>Link to recital (46a)</i>	1003
CHAPTER II Standard management and control systems	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	V-39	1004
<i>Article 66</i> <i>Functions of the managing authority</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	V-40	1005
1. The managing authority shall be responsible for managing the programme with a view to delivering the objectives of	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>	V-41	1006

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
the programme. In particular, it shall have the following functions:			[no change]		
(a) select operations in accordance with Article 67;	[no change]	(a) select operations in accordance with Article 67; <b>with the exception of operations referred to in Article 27(3)(d);</b>	Provisional common understanding  (a) select operations in accordance with Article 67; <b>with the exception of operations referred to in Article 27(3)(d);</b>	V-42	1007
(b) carry out programme management tasks in accordance with Article 68;	[no change]	[no change]	Provisional common understanding  [no change]	V-43	1008
(c) support the work of the monitoring committee in accordance with Article 69;	[no change]	[no change]	Provisional common understanding  [no change]	V-44	1009
(d) supervise intermediate bodies;	[no change]	[no change]	Provisional common understanding  [no change]	V-45	1010
(e) record and store in an electronic system the data on each operation necessary for monitoring, evaluation, financial management, verifications and audits, and shall ensure the security, integrity and confidentiality of data and the authentication of the users.	<u>Amendment 287</u>  (e) record and store in <del>an</del> electronic <del>system</del> <b>systems</b> the data on each operation necessary for monitoring, evaluation, financial management, verifications and audits, and shall ensure the security, integrity and confidentiality of data and the authentication of the users.	(e) record and store <del>in an electronic system</del> <b>electronically</b> the data on each operation necessary for monitoring, evaluation, financial management, verifications and audits, and shall ensure the security, integrity and confidentiality of data and the authentication of the users.	Provisional common understanding  (e) record and store <del>in an electronic system</del> <b>electronically</b> the data on each operation necessary for monitoring, evaluation, financial management, verifications and audits <b>in accordance with Annex XYZ</b> , and shall ensure the security, integrity and confidentiality of data and the authentication of the user.	V-46	1011
2. The Member State may entrust the accounting function referred to in Article 70 to the managing authority or to another body.	[no change]	[no change]	Provisional common understanding  [no change]	V-47	1012

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
3. For programmes supported by the AMIF, the ISF and the BMVI, the accounting function shall be carried out by the managing authority or under its responsibility.	[no change]	[no change]	Provisional common understanding  [no change]	V-48	1013
4. The Commission shall adopt an implementing act in accordance with the advisory procedure referred to in Article 109(2) in order to ensure uniform conditions for the electronic data to be recorded and stored referred to in point (e) of paragraph 1. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 109(2).	[no change]	4. <del>The Commission shall adopt an implementing act in accordance with the advisory procedure referred to in Article 109(2) in order to ensure uniform conditions for</del> <b>Annex XYZ sets out</b> the electronic data to be recorded and stored referred to in point (e) of paragraph 1. <del>That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 109(2).</del>	Provisional common understanding  4. <del>The Commission shall adopt an implementing act in accordance with the advisory procedure referred to in Article 109(2) in order to ensure uniform conditions for the electronic data to be recorded and stored referred to in point (e) of paragraph 1. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 109(2).</del>	V-49	1014
<i>Article 67</i> <i>Selection of operations by the managing authority</i>	[no change]	[no change]	Provisional common understanding  [no change]	V-50	1015
1. For the selection of operations, the managing authority shall establish and apply criteria and procedures which are non-discriminatory, transparent, ensure gender equality and take account of the Charter of Fundamental Rights of the European Union and the principle of sustainable development and of the Union policy on the environment in accordance with Articles 11 and 191(1) of the TFEU.	<u>Amendment 288</u>  For the selection of operations, the managing authority shall establish and apply criteria and procedures which are non-discriminatory, transparent, ensure <b>accessibility to persons with disabilities</b> , gender equality and take account of the Charter of Fundamental Rights of the European Union and the principle of sustainable development and of the Union policy on the environment in accordance with Articles 11 and 191(1)	[no change]	Provisional common understanding  1. For the selection of operations, the managing authority shall establish and apply criteria and procedures which are non-discriminatory, transparent, ensure <b>accessibility to persons with disabilities</b> , gender equality and take account of the Charter of Fundamental Rights of the European Union and the principle of sustainable development and of the Union policy on the environment in accordance with Articles 11 and	V-51	1016

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	of the TFEU.		191(1) of the TFEU.		
The criteria and procedures shall ensure the prioritisation of operations to be selected with a view to maximise the contribution of Union funding to the achievement of the objectives of the programme.	<i>[no change]</i>	The criteria and procedures shall ensure the prioritisation of operations to be selected with a view to maximise the contribution of Union funding to the achievement of the objectives of the programme.	<i>Provisional common understanding</i>  <i>[no change]</i>	V-52  <i>Link to recital (48)</i>	1017
2. Upon request of the Commission, the managing authority shall consult the Commission and take its comments into account prior to the initial submission of the selection criteria to the monitoring committee and before any subsequent changes to those criteria.	<i>[no change]</i>	<del>2. Upon request of the Commission, the managing authority shall consult the Commission and take its comments into account prior to the initial submission of the selection criteria to the monitoring committee and before any subsequent changes to those criteria.</del>	<i>Provisional common understanding:</i>  2. Upon request of the Commission, the managing authority shall consult the Commission and take its comments into account prior to the initial submission of the selection criteria to the monitoring committee and before any subsequent changes to those criteria.	V-53	1018
3. In selecting operations, the managing authority shall:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-54	1019
(a) ensure that selected operations comply with the programme and provide an effective contribution to the achievement of its specific objectives;	<u>Amendment 289</u>  (a) ensure that selected operations <b>are sustainable</b> , comply with the programme, <b>as well as territorial strategies</b> , and provide an effective contribution to the achievement of its specific objectives;	<i>[no change]</i>	<i>Provisional common understanding</i>  (a) ensure that selected operations comply with the programme, <b>including their consistency with the relevant strategies underlying the programme, as well as</b> and provide an effective contribution to the achievement of the specific objectives <b>of the programme</b> ;	V-55	1020
(b) ensure that selected operations are consistent with the corresponding strategies and planning documents established for the fulfilment of enabling	<i>[no change]</i>	(b) ensure that selected operations <b>which fall within the scope of an enabling condition</b> are consistent with the corresponding strategies and planning	<i>Provisional common understanding</i>  (b) ensure that selected operations <b>which fall within the scope of an enabling</b>	V-56	1021

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
conditions;		documents established for the fulfilment of <del>that</del> enabling conditions <b>condition</b> ;	<b>condition</b> are consistent with the corresponding strategies and planning documents established for the fulfilment of <del>that</del> enabling <b>condition</b> ;		
	<i>[no change]</i>	<b>In the case of policy objective one, as set out in Article 2(1)(a) of the [ERDF and CF Regulation], only operations corresponding to the specific objectives referred to in Article 2(1)(a)(i) and (iv) of that Regulation shall be consistent with the corresponding smart specialisation strategies.</b>	<i>Provisional common understanding</i> <b>In the case of policy objective one, as set out in Article 2(1)(a) of the [ERDF and CF Regulation], only operations corresponding to the specific objectives referred to in Article 2(1)(a)(i) and (iv) of that Regulation shall be consistent with the corresponding smart specialisation strategies.</b>	V-57	1022
(c) ensure that selected operations present the best relationship between the amount of support, the activities undertaken and the achievement of objectives;	<u>Amendment 290</u> (c) ensure that selected operations present <del>the best</del> <b>an appropriate</b> relationship between the amount of support, the activities undertaken and the achievement of objectives;	<del>(c) ensure that selected operations present the best relationship between the amount of support, the activities undertaken and the achievement of objectives;</del>	<i>Provisional common understanding</i> <i>[no change]</i>	V-58	1023
(d) verify that the beneficiary has the necessary financial resources and mechanisms to cover operation and maintenance costs;	<i>[no change]</i>	<del>(c) satisfy itself verify</del> that the beneficiary has the necessary financial resources and mechanisms to cover operation and maintenance costs <b>for operations comprising investment in infrastructure or productive investment</b> ;	<i>Provisional common understanding</i> (d) verify that the beneficiary has the necessary financial resources and mechanisms to cover operation and maintenance costs <b>for operations comprising investment in infrastructure or productive investment, so as to ensure their financial sustainability</b> ;	V-59	1024

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
(e) ensure that selected operations which fall under the scope of Directive 2011/92/EU of the European Parliament and of the Council <sup>90</sup> are subject to an environmental impact assessment or a screening procedure, on the basis of the requirements of that Directive as amended by Directive 2014/52/EU of the European Parliament and of the Council <sup>91</sup> ;	<u>Amendment 291</u>  (e) ensure that selected operations which fall under the scope of Directive 2011/92/EU of the European Parliament and of the Council <sup>48</sup> are subject to an environmental impact assessment or a screening procedure <b>and that the assessment of alternative solutions as well as a comprehensive public consultation has been taken in due account</b> , on the basis of the requirements of that Directive as amended by Directive 2014/52/EU of the European Parliament and of the Council <sup>49</sup>	<del>(e) ensure that selected operations which fall under the scope of Directive 2011/92/EU of the European Parliament and of the Council<sup>92</sup> are subject to an environmental impact assessment or a screening procedure, on the basis of the requirements of that Directive as amended by Directive 2014/52/EU of the European Parliament and of the Council<sup>93</sup>;</del>	<i>Provisional common understanding</i>  (e) ensure that selected operations which fall under the scope of Directive 2011/92/EU of the European Parliament and of the Council <sup>48</sup> are subject to an environmental impact assessment or a screening procedure <b>and that the assessment of alternative solutions has been taken in due account</b> , on the basis of the requirements of that Directive as amended by Directive 2014/52/EU of the European Parliament and of the Council <sup>49</sup>	V-60	1025
(f) verify that where the operations have started before the submission of an application for funding to the managing authority, applicable law has been complied with;	<u>Amendment 292</u>  (f) <del>verify</del> <b>ensure</b> that where the operations have started before the submission of an application for funding to the managing authority, applicable law has been complied with;	<del>(f) verify</del> <b>(d) satisfy itself</b> that where the operations have started before the submission of an application for funding to the managing authority, applicable law has been complied with;	<i>Provisional common understanding</i>  (f) [...] * that where the operations have started before the submission of an application for funding to the managing authority, applicable law has been complied with;  <i>* First word to be left for lawyer-linguist finalisation but to be consistent with row</i>	V-61	1026

<sup>90</sup> Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).

<sup>91</sup> Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (OJ L 124, 25.4.2014, p. 1).

<sup>92</sup> ~~Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).~~

<sup>93</sup> ~~Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (OJ L 124, 25.4.2014, p. 1).~~

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			V-59		
(g) ensure that selected operations fall within the scope of the Fund concerned and are attributed to a type of intervention or area of support for the EMFF;	[no change]	<del>(g)</del> (e) ensure that selected operations fall within the scope of the Fund concerned and, <b>with the exception of the EMFF</b> , are attributed to a type of intervention or area of support for the EMFF;	To be dealt with once a provisional common understanding on the EMFF Regulation is found	V-62	1027
(h) ensure that operations do not include activities which were part of an operation subject to relocation in accordance with Article 60 or which would constitute a transfer of a productive activity in accordance with Article 59(1)(a);	[no change]	<del>(h)</del> (f) ensure that operations do not include activities which were part of an operation subject to relocation in accordance with Article 60 or which would constitute a transfer of a productive activity in accordance with Article 59(1)(a);	Provisional common understanding  (x) ensure that operations do not include activities which were part of an operation subject to relocation in accordance with Article 60 or which would constitute a transfer of a productive activity in accordance with Article 59(1)(a);  * Content unchanged. (x) numbering of paragraph to be adjusted	V-63	1028
(i) ensure that selected operations are not affected by a reasoned opinion by the Commission in respect of an infringement under Article 258 of the TFEU that puts at risk the legality and regularity of expenditure or the performance of operations;	[no change]	<del>(i)</del> (g) ensure that selected operations are not <b>directly</b> affected by a reasoned opinion by the Commission in respect of an infringement under Article 258 of the TFEU that puts at risk the legality and regularity of expenditure or the performance of operations;	Provisional common understanding  <del>(i)</del> (x) ensure that selected operations are not <b>directly</b> affected by a reasoned opinion by the Commission in respect of an infringement under Article 258 of the TFEU that puts at risk the legality and regularity of expenditure or the performance of operations;	V-64	1029
(j) ensure the climate proofing of investments in infrastructure with an expected lifespan of at least five years.	Amendment 293  (j) ensure, <b>before taking investment decisions</b> , the climate proofing of investments in infrastructure with an expected lifespan of at least five years, <b>as well as the application of the Energy</b>	<del>(j)</del> (h) ensure the climate proofing of that, <b>for</b> investments in infrastructure with an expected lifespan of at least five years, <b>an assessment of expected impacts of climate change is carried out.</b>	Provisional common understanding  [no change]	V-65  Link to Article 2(36a) and 2(37)	1030

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>Efficiency First principle.</i>				
4. The managing authority shall ensure that the beneficiary is provided with a document setting out all the conditions for support for each operation including the specific requirements concerning the products or services to be delivered, the financing plan, the time-limit for its execution and where applicable, the method to be applied for determining the costs of the operation and the conditions for payment of the grant.	<i>[no change]</i>	4. The managing authority shall ensure that the beneficiary is provided with a document setting out all the conditions for support for each operation including the specific requirements concerning the products or services to be delivered, the financing plan, the time-limit for its execution and where applicable, the method to be applied for determining the costs of the operation and the conditions for payment of the <del>grant</del> <b>support</b> .	<i>Provisional common understanding</i>  4. The managing authority shall ensure that the beneficiary is provided with a document setting out all the conditions for support for each operation including the specific requirements concerning the products or services to be delivered, the financing plan, the time-limit for its execution and where applicable, the method to be applied for determining the costs of the operation and the conditions for payment of the <del>grant</del> <b>support</b> .	V-66	1031
5. For operations awarded a Seal of Excellence certification, or selected under the programme co-fund under Horizon Europe, the managing authority may decide to grant support from the ERDF or the ESF+ directly, provided that such operations are consistent with the objectives of the programme.	<i>[no change]</i>	5. For operations awarded a Seal of Excellence certification, or selected under the programme co-fund under Horizon Europe, the managing authority may decide to grant support from the ERDF or the ESF+ directly, provided that such operations <del>are consistent with the objectives of the programme</del> <b>meet the requirements set out in points (a), (b) and (e) of paragraph 3.</b>	<i>Provisional common understanding:</i>  5. For operations awarded a Seal of Excellence, or operations selected under a programme co-funded <b>by</b> Horizon Europe, the managing authority may decide to grant support from the ERDF <u>or</u> the ESF+ directly, provided that such operations <del>are consistent with the objectives of the programme</del> <b>meet the requirements set out in [points (a), (b) and (e) of paragraph 3].</b>  <i>[references still to be checked]</i>  <b>In addition, managing authorities may apply to the operations referred to in the first subparagraph the categories, maximum amounts and methods of</b>	V-67	1032



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<p>calculation of eligible costs established under the relevant Union instrument.</p> <p>These elements shall be set out in the document referred in paragraph 4.</p>		
	<p><u>Amendment 294</u></p> <p><i>5a. The managing authority may also decide, in duly justified cases, to contribute up to 5 % of a programme's financial allocation under the ERDF and ESF+ to specific projects within the Member State eligible under Horizon Europe, including those selected in the second phase, provided that those specific projects contribute to the programme's objectives in that Member State.</i></p>		<p><i>Provisional common understanding</i></p> <p><i>[EP amendment withdrawn]</i></p>	V-68	1033
<p>The co-financing rate of the instrument providing the Seal of Excellence certification or the programme co-fund shall apply and shall be set out in the document referred in paragraph 4.</p>	<p><i>[no change]</i></p>	<p><i>[no change]</i></p>	<p><i>Provisional common understanding</i></p> <p><del>The co-financing rate of the instrument providing the Seal of Excellence certification or the programme co-fund shall apply and shall be set out in the document referred in paragraph 4.</del></p>	V-69	1034
<p>6. When the managing authority selects an operation of strategic importance, it shall inform the Commission immediately and shall provide all relevant information to the Commission about that operation.</p>	<p><u>Amendment 295</u></p> <p>6. When the managing authority selects an operation of strategic importance, it shall inform the Commission <del>immediately</del> <b>within one month</b> and shall provide all relevant information to the Commission about that operation, <b>including a cost-benefit analysis.</b></p>	<p>6. When the managing authority selects an operation of strategic importance, it shall inform the Commission <del>immediately</del> and shall provide all relevant information to the Commission about that operation.</p>	<p><i>Provisional common understanding</i></p> <p>6. When the managing authority selects an operation of strategic importance, it shall inform the Commission <del>immediately</del> <b>within one month</b> and shall provide all relevant information to the Commission about that operation.</p>	V-70	1035

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
<i>Article 68</i> <i>Programme management by the managing authority</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-71	1036
1. The managing authority shall:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-72	1037
(a) carry out management verifications to verify that the co-financed products and services have been delivered, that the operation complies with applicable law, the programme and the conditions for support of the operation, and:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-73	1038
(i) where costs are to be reimbursed pursuant to Article 48(1)(a), that the amount of expenditure claimed by the beneficiaries in relation to those costs has been paid and that beneficiaries maintain separate accounting records for all transactions relating to the operation;	<i>[no change]</i>	(i) where costs are to be reimbursed pursuant to Article 48(1)(a), that the amount of expenditure claimed by the beneficiaries in relation to those costs has been paid and that beneficiaries maintain separate accounting records <b>or use appropriate accounting codes</b> for all transactions relating to the operation;	<i>Provisional common understanding</i>  (i) where costs are to be reimbursed pursuant to Article 48(1)(a), that the amount of expenditure claimed by the beneficiaries in relation to those costs has been paid and that beneficiaries maintain separate accounting records <b>or use appropriate accounting codes</b> for all transactions relating to the operation;	V-74	1039
(ii) where costs are to be reimbursed pursuant to points (b), (c) and (d) of Article 48(1), that the conditions for reimbursement of expenditure to the beneficiary have been met;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-75	1040
(b) ensure, subject to the availability of funding, that a beneficiary receives the amount due in full and no later than 90 days from the date of submission of the	<u>Amendment 296</u>  (b) ensure, <del>subject to the availability of funding,</del> <b>for pre-financing and interim payments</b> that a beneficiary receives the	(b) ensure, subject to the availability of funding, that a beneficiary receives the amount due in full and no later than 90 days from the date of submission of the	<i>Provisional common understanding</i>  (b) ensure, subject to the availability of funding, that a beneficiary receives the amount due in full and no later than <del>90</del>	V-76	1041

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
payment claim by the beneficiary;	amount due in full <i>for verified expenditure</i> and no later than <del>90</del> 60 days from the date of submission of the payment claim by the beneficiary;	payment claim by the beneficiary; <b>the deadline may be interrupted if information submitted by the beneficiary does not allow the managing authority to establish whether the amount is due;</b>	<b>80</b> days from the date of submission of the payment claim by the beneficiary; <b>the deadline may be interrupted if information submitted by the beneficiary does not allow the managing authority to establish whether the amount is due;</b>		
(c) have effective and proportionate anti-fraud measures and procedures in place, taking into account the risks identified;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	V-77	1042
(d) prevent, detect and correct irregularities;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	V-78	1043
(e) confirm that the expenditure entered into the accounts is legal and regular;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	V-79	1044
(f) draw up the management declaration in accordance with the template set out in Annex XV;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	V-80	1045
(g) provide forecasts of the amount for payment applications to be submitted for the current and subsequent calendar years by 31 January and 31 July, in accordance with Annex VII.	<i>[no change]</i>	<del>(g) provide forecasts of the amount for payment applications to be submitted for the current and subsequent calendar years by 31 January and 31 July, in accordance with Annex VII.</del>	Provisional common understanding <del>(g) provide forecasts of the amount for payment applications to be submitted for the current and subsequent calendar years by 31 January and 31 July, in accordance with Annex VII.</del>	V-81 <i>Link to V-15</i>	1046
For point (b) of the first sub-paragraph, no amount shall be deducted or withheld and no specific charge or other charge with equivalent effect shall be levied that would reduce amounts due to beneficiaries.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	V-82	1047

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
For PPP operations, the managing authority shall carry out payments to an escrow account set up for that purpose in the name of the beneficiary for use in accordance with the PPP agreement.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-83	1048
2. Management verifications referred to in point (a) of paragraph 1 shall be risk-based and proportionate to the risks identified as defined in a risk management strategy.	<i>[no change]</i>	2. Management verifications referred to in point (a) of paragraph 1 shall be risk-based and proportionate to the risks identified as defined in a risk management strategy <del>as defined in a risk management strategy</del> <b>ex-ante and in writing.</b>	<i>Provisional common understanding</i>  2. Management verifications referred to in point (a) of paragraph 1 shall be risk-based and proportionate to the risks identified as defined in a risk management strategy <del>as defined in a risk management strategy</del> <b>ex-ante and in writing.</b>	V-84  <i>Link to recital (50)</i>	1049
Management verifications shall include administrative verifications in respect of payment claims by beneficiaries and on-the-spot verifications of operations. They shall be carried out at the latest before preparation of the accounts in accordance with Article 92.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-85	1050
3. Where the managing authority is also a beneficiary under the programme, arrangements for the management verifications shall ensure separation of functions.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-86	1051
4. By way of derogation from paragraph 2, the ETC Regulation may establish specific rules on management verifications applicable to Interreg programmes.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  By way of derogation from paragraph 2, the ETC Regulation may establish specific rules on management verifications applicable to Interreg programmes. <b>The AMF, the ISF and</b>	V-87	1052

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
			<b>the BMVI Regulation may establish specific rules on management verifications applicable where an international organisation is a beneficiary.</b>  <i>Comment: the agreement on this addition does not prejudice on the outcome of negotiations on the AMF, ISF and BMVI funds.</i>		
<i>Article 69</i> <i>Support of the work of the monitoring committee by the managing authority</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-88	1053
The managing authority shall:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-89	1054
(a) provide the monitoring committee in a timely manner with all information necessary to carry out its tasks;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-90	1055
(b) ensure the follow-up of the decisions and recommendations of the monitoring committee.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-91	1056
<i>Article 70</i> <i>The accounting function</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-92	1057
1. The accounting function shall consist of the following tasks:	<i>[no change]</i>	[no change]	<i>Provisional common understanding</i>  <i>[no change]</i>	V-93	1058
(a) drawing up and submitting payment applications to the Commission in	<u>Amendment 297</u>  (a) drawing up and submitting payment	<i>[no change]</i>	<i>Provisional common understanding</i>	V-94	1059

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
accordance with Articles 85 and 86;	applications to the Commission in accordance with Articles 85 and 86 <b>and taking account of the audits carried out by, or under the responsibility of the audit authority;</b>		<i>[EP amendment withdrawn]</i>		
(b) drawing up the accounts in accordance with Article 92 and keeping records of all the elements of the accounts in an electronic system;	<u>Amendment 298</u>  (b) drawing up <b>and presenting</b> the accounts, <b>confirming the completeness, accuracy and correctness</b> in accordance with Article 92 and keeping records of all the elements of the accounts in an electronic system;	(b) drawing up <b>and submitting</b> the accounts in accordance with Article 92 and <b>confirming completeness, accuracy and veracity of the accounts;</b>	<i>Provisional common understanding</i>  (b) drawing up <b>and submitting</b> the accounts <b>confirming completeness, accuracy and veracity of the accounts</b> in accordance with Article 92 and keeping <b>electronic</b> records of all the elements of the accounts <del>in an electronic system</del> , <b>including payment applications;</b>	V-95	1060
		<b>(ba)</b> keeping <b>electronic</b> records of all the elements of the accounts <del>in an electronic system</del> <b>and payment applications;</b>	<i>Provisional common understanding</i>  <i>[CONS AM withdrawn; covered in row V-95]</i>	V-96	1061
(c) converting the amounts of expenditure incurred in another currency into euro by using the monthly accounting exchange rate of the Commission in the month during which the expenditure is registered in the accounting systems of the body responsible for carrying out the tasks set out in this Article.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-97	1062
2. The accounting function shall not comprise verifications at the level of beneficiaries.	<i>[no change]</i>	[no change]	<i>Provisional common understanding</i>  <i>[no change]</i>	V-98	1063
3. By way of derogation from point (c) of paragraph 1, the ETC Regulation may	<i>[no change]</i>	[no change]	<i>Provisional common understanding</i>	V-99	1064

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
establish a different method to convert the amounts of expenditure incurred in another currency into euro.			<i>[no change]</i>		
<i>Article 71</i> <i>Functions of the audit authority</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	V-100	1065
1. The audit authority shall be responsible for carrying out system audits, audits on operations and audits of accounts in order to provide independent assurance to the Commission regarding the effective functioning of the management and control systems and the legality and regularity of the expenditure included in the accounts submitted to the Commission.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	V-101	1066
2. Audit work shall be carried out in accordance with internationally accepted audit standards.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	V-102	1067
3. The audit authority shall draw up and submit to the Commission:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	V-103	1068
(a) an annual audit opinion in accordance with Article [63(7)] of the Financial Regulation and with the template set out in Annex XVI and based on all audit work carried out, covering the following distinct components:	<i>[no change]</i>	(a) an annual audit opinion in accordance with Article {63(7)} of the Financial Regulation and with the template set out in Annex XVI and based on all audit work carried out, covering the following distinct components:	<i>Provisional common understanding</i> (a) an annual audit opinion in accordance with Article {63(7)} of the Financial Regulation and with the template set out in Annex XVI and based on all audit work carried out, covering the following distinct components:	V-104	1069
(i) the completeness, veracity and accuracy of the accounts;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>	V-105	1070

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
			<i>[no change]</i>		
(ii) the legality and regularity of the expenditure included in the accounts submitted to the Commission;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	V-106	1071
(iii) the effective functioning of the management and control system.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	V-107	1072
(b) an annual control report fulfilling the requirements of Article [63(5)(b)] of the Financial Regulation, in accordance with the template set out in Annex XVII and, supporting the audit opinion referred to in point (a) and setting out a summary of the findings, including an analysis of the nature and extent of errors and deficiencies in the systems as well as the proposed and implemented corrective actions and the resulting total error rate and residual error rate for the expenditure entered in the accounts submitted to the Commission.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  (b) an annual control report fulfilling the requirements of Article [63(5)(b)] of the Financial Regulation, in accordance with the template set out in Annex XVII and, supporting the audit opinion referred to in point (a) and setting out a summary of the findings, including an analysis of the nature and extent of errors and deficiencies in the systems as well as the proposed and implemented corrective actions and the resulting total error rate and residual error rate for the expenditure entered in the accounts submitted to the Commission.	V-108	1073
4. Where programmes are grouped for the purpose of audits of operations pursuant to Article 73(2), the information required under paragraph (3)(b) may be grouped in a single report.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	V-109	1074
Where the audit authority makes use of this option for programmes supported by the AMIF, the ISF and the BMVI, the	<i>[no change]</i>	<del>Where the audit authority makes use of this option for programmes supported by the AMIF, the ISF and the BMVI, the</del>	Provisional common understanding  <del>Where the audit authority makes use of this option for programmes supported by</del>	V-110	1075



<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
information required under paragraph (3)(b) shall be reported by Fund.		<del>information required under paragraph (3)(b) shall be reported by Fund.</del>	<del>the AMIF, the ISF and the BMVI, the information required under paragraph (3)(b) shall be reported by Fund.</del>		
5. The audit authority shall transmit to the Commission system audit reports as soon as the contradictory procedure with the relevant auditees is concluded.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-111	1076
6. The Commission and the audit authorities shall meet on a regular basis and at least once a year, unless otherwise agreed, to examine the audit strategy, the annual control report, the audit opinion, to coordinate their audit plans and methods and to exchange views on issues relating to the improvement of management and control systems.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-112	1077
	<u>Amendment 299</u>  <i>6a. The audit shall be carried out with reference to the applicable standard at the time of the convention of the audited operation, except when new standards are more favourable to the beneficiary.</i>		<i>Provisional common understanding</i>  <i>[EP amendment withdrawn]</i>	V-113	1078
	<u>Amendment 300</u>  <i>6b. The finding of an irregularity, as part of the audit of an operation leading to a financial penalty, cannot lead to extending the scope of the control or to financial corrections beyond the expenditure covered by the accounting year of the audited expenditure.</i>		<i>Provisional common understanding</i>  <i>[EP amendment withdrawn]</i>	V-114	1079

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
<i>Article 72 Audit strategy</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding  [no change]</i>	V-115	1080
1. The audit authority shall prepare an audit strategy based on a risk assessment, taking account of the management and control system description provided for in Article 63(9), covering system audits and audits of operations. The audit strategy shall include system audits of newly identified managing authorities and authorities in charge of the accounting function within nine months following their first year of functioning. The audit strategy shall be prepared in accordance with the template set out in Annex XVIII and shall be updated annually following the first annual control report and audit opinion provided to the Commission. It may cover one or more programmes.	<u>Amendment 301</u>  1. The audit authority shall, <b>after consulting the managing authority</b> , prepare an audit strategy based on a risk assessment, taking account of the management and control system description provided for in Article 63(9), covering system audits and audits of operations. The audit strategy shall include system audits of newly identified managing authorities and authorities in charge of the accounting function. <b>The audit shall be performed</b> within nine months following their first year of functioning. The audit strategy shall be prepared in accordance with the template set out in Annex XVIII and shall be updated annually following the first annual control report and audit opinion provided to the Commission. It may cover one or more programmes. <b>In the audit strategy, the audit authority may determine a limit for single account audits.</b>	1. The audit authority shall prepare an audit strategy based on a risk assessment, taking account of the management and control system description provided for in Article 63(9), covering system audits and audits of operations. The audit strategy shall include system audits of newly identified managing authorities and authorities in charge of the accounting function <del>within nine months following their first year of functioning</del> <b>and such audits shall be carried out within twenty-one months of the Commission's decision approving the programme or the amendment of the programme identifying such an authority.</b> The audit strategy shall be prepared in accordance with the template set out in Annex XVIII and shall be updated annually following the first annual control report and audit opinion provided to the Commission. It may cover one or more programmes.	<i>Provisional common understanding</i>  1. The audit authority shall, <b>after consulting the managing authority</b> , prepare an audit strategy based on a risk assessment, taking account of the management and control system description provided for in Article 63(9), covering system audits and audits of operations. The audit strategy shall include system audits of newly identified managing authorities and authorities in charge of the accounting function. <del>within nine months following their first year of functioning</del> <b>Such audits shall be carried out within twenty-one months of the Commission's decision approving the programme or the amendment of the programme identifying such an authority.</b> The audit strategy shall be prepared in accordance with the template set out in Annex XVIII and shall be updated annually following the first annual control report and audit opinion provided to the Commission. It may cover one or more programmes.	V-116	1081
2. The audit strategy shall be submitted to the Commission upon request.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding  [no change]</i>	V-117	1082

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
<i>Article 73</i> <i>Audits of operations</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-118	1083
1. Audits of operations shall cover expenditure declared to the Commission in the accounting year on the basis of a sample. That sample shall be representative and based on statistical sampling methods.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-119	1084
2. Where the population consists of less than 300 sampling units, a non-statistical sampling method may be used on the professional judgement of the audit authority. In such cases, the size of the sample shall be sufficient to enable the audit authority to draw up a valid audit opinion. The non-statistical sampling method shall cover a minimum of 10 % of the sampling units in the population of the accounting year, selected randomly.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-120	1085
The statistical sample may cover one or more programmes receiving support from the ERDF, the Cohesion Fund and the ESF+ and, subject to stratification where appropriate, one or more programming periods according to the professional judgement of the audit authority.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-121F	1086
The statistical sample may cover one or more programmes receiving support from the ERDF, the Cohesion Fund, <b>the JTF</b> and the ESF+ and, subject to stratification where appropriate, one or more	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	IX-112	1087

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
programming periods according to the professional judgement of the audit authority.					
The sample of operations supported by the AMIF, the ISF and the BMVI and by the EMFF shall cover operations supported by each Fund separately.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-122	1088
3. Audits of operations shall include on-the-spot verification of the physical implementation of the operation only where it is required by the type of operation concerned.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-123	1089
	<u>Amendment 302</u>  <b>In case of a disagreement between the Commission and a Member State on audit findings, a settlement procedure shall be put in place.</b>		<i>Provisional common understanding .</i>  <i>[EP amendment withdrawn]</i>	V-124	1090
The ESF+ Regulation may set out specific provisions for programmes under Article [4(1)(c)(vii)] of the ESF+ Regulation.	<i>[no change]</i>	The ESF+ Regulation may set out specific provisions for programmes <b>or priorities</b> under Article [4(1)( <del>e</del> )( <del>viii</del> )] of the ESF+ Regulation.	<i>Provisional common understanding</i>  The ESF+ Regulation may set out specific provisions for programmes <b>or priorities</b> under Article [4(1)( <del>e</del> )( <del>viii</del> )] of the ESF+ Regulation. <b>The AMF, the ISF and the BMVI Regulation may establish specific provisions for audit of operations where an international organisation is a beneficiary.</b>  <i>Comment: the agreement on this addition does not prejudge on the outcome of negotiations on the AMF, ISF</i>	V-125	1091

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<i>and BMVI funds.</i>		
		<b>Audits shall be conducted on the basis of the rules in force at the time when the activities within the operation were carried out.</b>	<i>Provisional common understanding</i> <b>Audits shall be conducted on the basis of the rules in force at the time when the activities within the operation were carried out.</b>	V-126	1092
4. The Commission is empowered to adopt a delegated act in accordance with Article 107 to supplement this Article by setting out standardised off-the-shelf sampling methodologies and modalities to cover one or more programming periods.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-127	1093
<i>Article 74</i> <i>Single audit arrangements</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-128	1094
1. When carrying out audits, the Commission and the audit authorities shall take due account of the principles of single audit and proportionality in relation to the level of risk to the budget of the Union. They shall avoid duplication of audits of the same expenditure declared to the Commission with the objective of minimising the cost of management verifications and audits and the administrative burden on beneficiaries.	<i>[no change]</i>	1. When carrying out audits, the Commission and the audit authorities shall take due account of the principles of single audit and proportionality in relation to the level of risk to the budget of the Union. <del>They shall</del> <b>In order to</b> avoid duplication of audits <b>and management verifications</b> of the same expenditure declared to the Commission with the objective of minimising the cost of management verifications and audits and the administrative burden on beneficiaries.	<i>Provisional common understanding</i>  1. When carrying out audits, the Commission and the audit authorities shall take due account of the principles of single audit and proportionality in relation to the level of risk to the budget of the Union. <del>They shall</del> <b>This shall be, in particular, in order to</b> avoid duplication of audits <b>and management verifications</b> of the same expenditure declared to the Commission with the objective of minimising the cost of management verifications and audits and the administrative burden on beneficiaries.	V-129	1095

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
The Commission and audit authorities shall first use all information and records available in the electronic system referred to in Article 66(1)(e), including results of management verifications and only request and obtain additional documents and audit evidence from the beneficiaries concerned where, based on their professional judgement, this is required to support robust audit conclusions.	<u>Amendment 303</u>  The Commission and audit authorities shall first use all information and records available in the electronic system systems referred to in Article 66(1)(e), including results of management verifications and only request and obtain additional documents and audit evidence from the beneficiaries concerned where, based on their professional judgement, this is required to support robust audit conclusions.	The Commission and audit authorities shall first use all information and records <del>available in the electronic system</del> referred to in Article 66(1)(e), including results of management verifications and only request and obtain additional documents and audit evidence from the beneficiaries concerned where, based on their professional judgement, this is required to support robust audit conclusions.	<i>Provisional common understanding</i>  The Commission and audit authorities shall first use all information and records <del>available in the electronic system</del> referred to in Article 66(1)(e), including results of management verifications and only request and obtain additional documents and audit evidence from the beneficiaries concerned where, based on their professional judgement, this is required to support robust audit conclusions.	V-130	1096
2. For programmes for which the Commission concludes that the opinion of the audit authority is reliable and the Member State concerned participates in the enhanced cooperation on the European Public Prosecutor's Office, the Commission's own audits shall be limited to auditing the work of the audit authority.	<i>[no change]</i>	2. For programmes for which the Commission concludes that the opinion of the audit authority is reliable <del>and the Member State concerned participates in the enhanced cooperation on the European Public Prosecutor's Office,</del> the Commission's own audits shall be limited to auditing the work of the audit authority.	<i>Provisional common understanding</i>  <i>[no change]</i>	V-131	1097
3. Operations for which the total eligible expenditure does not exceed EUR 400 000 for the ERDF and the Cohesion Fund, EUR 300 000 for the ESF+, EUR 200 000 for the EMFF, the AMIF, the ISF and the BMVI shall not be subject to more than one audit by either the audit authority or the Commission prior to the submission of the accounts for the accounting year in which the operation is completed.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-132F	1098
3. Operations for which the total eligible expenditure does not exceed EUR 400 000	<i>[no change]</i>	3. Operations for which the total eligible expenditure does not exceed EUR 400 000	<i>Provisional common understanding</i>	IX-114	1099

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
for the ERDF and the Cohesion Fund, EUR 300 000 for the ESF+ <b>and the JTF</b> , EUR 200 000 for the EMFF, the AMIF, the ISF and the BMVI shall not be subject to more than one audit by either the audit authority or the Commission prior to the submission of the accounts for the accounting year in which the operation is completed.		for the ERDF and the Cohesion Fund, <b>EUR 350 000 for the JTF</b> , EUR 300 000 for the ESF+ <del>and the JTF</del> , EUR 200 000 for the EMFF, the AMIF, the ISF and the BMVI shall not be subject to more than one audit by either the audit authority or the Commission prior to the submission of the accounts for the accounting year in which the operation is completed.	3. Operations for which the total eligible expenditure does not exceed EUR 400 000 for the ERDF and the Cohesion Fund, <b>EUR 350 000 for the JTF</b> , EUR 300 000 for the ESF+ <del>and the JTF</del> , EUR 200 000 for the EMFF, the AMIF, the ISF and the BMVI shall not be subject to more than one audit by either the audit authority or the Commission prior to the submission of the accounts for the accounting year in which the operation is completed.		
Other operations shall not be subject to more than one audit per accounting year by either the audit authority or the Commission prior to the submission of the accounts for the accounting year in which the operation is completed. Operations shall not be subject to an audit by the Commission or the audit authority in any year where there has already been an audit in that year by the Court of Auditors, provided that the results of that Court of Auditors' audit for such operations can be used by the audit authority or the Commission for the purpose of fulfilling their respective tasks.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-133	1100
4. Notwithstanding the provisions of paragraph 3, any operation may be subject to more than one audit, if the audit authority concludes based on its professional judgment, that it is not possible to draw up a valid audit opinion.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-134	1101

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
5. Paragraphs 2 and 3 shall not apply where:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	V-135	1102
(a) there is a specific risk of irregularity or an indication of fraud;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	V-136	1103
(b) there is a need to re-perform the work of the audit authority for obtaining assurance as to its effective functioning;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	V-137	1104
(c) there is evidence of a serious deficiency in the work of the audit authority.	<i>[no change]</i>	(c) there is evidence of a serious deficiency in the work of the audit authority.	<i>Provisional common understanding</i> <i>[no change]</i>	V-138 <i>Link to recital (51)</i>	1105
<i>Article 75</i> <i>Management verifications and audits of financial instruments</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	V-139	1106
1. The managing authority shall carry out on-the-spot management verifications in accordance with Article 68(1) only at the level of bodies implementing the financial instrument and, in the context of guarantee funds, at the level of bodies delivering the underlying new loans.	<u>Amendment 304</u> 1. The managing authority shall carry out on-the-spot management verifications in accordance with Article 68(1) only at the level of bodies implementing the financial instrument and, in the context of guarantee funds, at the level of bodies delivering the underlying new loans. <b><i>Without prejudice to the provisions of Article 127 of the Financial Regulation, if the financial instrument provides control reports supporting the payment application, the managing authority may decide not to carry out on-the-spot</i></b>	<i>[no change]</i>	<i>Provisional common understanding</i> 1. The managing authority shall carry out on-the-spot management verifications in accordance with Article 68(1) only at the level of bodies implementing the financial instrument and, in the context of guarantee funds, at the level of bodies delivering the underlying new loans. <b>The managing authority may rely on verifications carried out by external bodies and not carry out on-the-spot management verifications, provided that it has sufficient evidence of the</b>	V-140	1107



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>management verifications.</i>		<b>competence of those bodies.</b>		
2. The managing authority shall not carry out on-the-spot verifications at the level of the European Investment Bank ('EIB') or other international financial institutions in which a Member State is a shareholder.	[no change]	[no change]	Provisional common understanding  [no change]	V-141	1108
However, the EIB or other internationally financial institutions in which a Member State is a shareholder shall provide control reports supporting the payment applications to the managing authority.	<u>Amendment 305</u>  However, the EIB or other <del>internationally</del> <b>international</b> financial institutions in which a Member State is a shareholder shall provide control reports supporting the payment applications to the managing authority.	[no change]	Provisional common understanding  However, the EIB or other <del>internationally</del> <b>international</b> financial institutions in which a Member State is a shareholder shall provide control reports supporting the payment applications to the managing authority.	V-142	1109
3. The audit authority shall carry out system audits and audits of operations in accordance with Articles 71, 73 or 77 at the level of bodies implementing the financial instrument and, in the context of guarantee funds, at the level of bodies delivering the underlying new loans.	<u>Amendment 306</u>  3. The audit authority shall carry out system audits and audits of operations in accordance with Articles 71, 73 or 77 at the level of bodies implementing the financial instrument and, in the context of guarantee funds, at the level of bodies delivering the underlying new loans. <b><i>Without prejudice to the provisions of Article 127 of the Financial Regulation, if the financial instrument provides the audit authority with an annual audit report drawn up by their external auditors by the end of each calendar year that covers the elements included in Annex XVII, the audit authority may decide not to carry out further audits.</i></b>	[no change]	Provisional common understanding .  3. The audit authority shall carry out system audits and audits of operations in accordance with Articles 71, 73 or 77 at the level of bodies implementing the financial instrument and, in the context of guarantee funds, at the level of bodies delivering the underlying new loans. <b>The audit results of external auditors of bodies implementing the financial instrument may be taken into account by the audit authority for the purposes of the overall assurance and on this basis, the audit authority may decide to limit its own audit work.</b>	V-143	1110

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<p><u>Amendment 307</u></p> <p><i>3a. In the context of guarantee funds, the bodies responsible for the audit of programmes may conduct verifications or audits of the bodies providing new underlying loans only when one or more of the following situations occur:</i></p> <p><i>(a) supporting documents, providing evidence of the support from the financial instrument to final recipients, are not available at the level of the managing authority or at the level of the bodies that implement financial instruments;</i></p> <p><i>(b) there is evidence that the documents available at the level of the managing authority or at the level of the bodies that implement financial instruments do not represent a true and accurate record of the support provided.</i></p>		<p><i>Provisional common understanding</i></p> <p><b>3a. In the context of guarantee funds, the bodies responsible for the audit of programmes may conduct audits of the bodies providing new underlying loans only when one or more of the following situations occur:</b></p> <p><b>(a) supporting documents, providing evidence of the support from the financial instrument to final recipients, are not available at the level of the managing authority or at the level of the bodies implementing the financial instrument;</b></p> <p><b>(b) there is evidence that the documents available at the level of the managing authority or at the level of the bodies implementing the financial instrument do not represent a true and accurate record of the support provided.</b></p>	V-144	1111
4. The audit authority shall not carry out audits at the level of the EIB or other international financial institutions in which a Member State is a shareholder, for financial instruments implemented by them.	<i>[no change]</i>	[no change]	<p><i>Provisional common understanding</i></p> <p><i>[no change]</i></p>	V-145	1112
However, the EIB or other international financial institutions in which a Member State is a shareholder shall provide to the Commission and to the audit authority an	<i>[no change]</i>	However, the EIB or other international financial institutions in which a Member State is a shareholder shall provide to the Commission and to the audit authority an	<p><i>Provisional common understanding</i></p> <p>However, the EIB or other international financial institutions in which a Member</p>	V-146	1113

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
annual audit report drawn up by their external auditors by the end of each calendar year. This report shall cover the elements included in Annex XVII.		annual audit report drawn up by their external auditors by the end of each calendar year. This report shall cover the elements included in Annex XVII, <b>and constitute the basis for the Audit Authority's work.</b>	State is a shareholder shall provide to the Commission and to the audit authority an annual audit report drawn up by their external auditors by the end of each calendar year. This report shall cover the elements included in Annex XVII, <b>and constitute the basis for the audit authority's work.</b>		
5. The EIB or other international financial institutions shall provide to the programme authorities all the necessary documents to enable them to fulfil their obligations.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	V-147	1114
<i>Article 76 Availability of documents</i>	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	V-148	1115
1. Without prejudice to the rules governing State aid, the managing authority shall ensure that all supporting documents related to an operation supported by the Funds are kept at the appropriate level for a five-year period from 31 December of the year in which the last payment by the managing authority to the beneficiary is made.	<u>Amendment 308</u>  1. Without prejudice to the rules governing State aid, the managing authority shall ensure that all supporting documents related to an operation supported by the Funds are kept at the appropriate level for a <del>five-year</del> <b>three-year</b> period from 31 December of the year in which the last payment by the managing authority to the beneficiary is made.	<i>[no change]</i>	Provisional common understanding  <i>[EP amendment withdrawn]</i>	V-149	1116
2. This time period shall be interrupted either in the case of legal proceedings or by a request of the Commission.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	V-150	1117
	<u>Amendment 309</u>		Provisional common understanding	V-151	1118

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>2a. The document retention period may be reduced, proportionally to the risk profile and the size of beneficiaries, by decision of the managing authority.</i>		<i>[EP amendment withdrawn]</i>		
CHAPTER III Reliance on national management systems	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	V-152	1119
<i>Article 77</i> <i>Enhanced proportionate arrangements</i>	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	V-153	1120
The Member State may apply the following enhanced proportionate arrangements for the management and control system of a programme when the conditions set out in Article 78 are fulfilled:	<i>[no change]</i>	[no change]	Provisional common understanding <i>[no change]</i>	V-154	1121
(a) by way of derogation from Article 68(1)(a) and 68(2), the managing authority may apply only national procedures to carry out management verifications;	<i>[no change]</i>	[no change]	Provisional common understanding <i>[no change]</i>	V-155	1122
(b) by way of derogation from Article 73(1) and (3), the audit authority may limit its audit activity to a statistical sample of 30 sampling units for the programme or group of programmes concerned;	<i>[no change]</i>	(b) by way of derogation from Article <b>71(1) regarding system audits and Article 73(1) and (3), regarding audits of operations</b> , the audit authority may limit its audit activity to <b>audits of operations covering a sample based on a statistical sample selection</b> of 30 sampling units for the programme or group of programmes concerned;	Provisional common understanding  (b) by way of derogation from Article <b>71(1) regarding system audits and Article 73(1) and (3), regarding audits of operations</b> , the audit authority may limit its audit activity to <b>audits of operations covering a sample based on a statistical sample selection</b> of 30 sampling units for the programme or group of programmes concerned;	V-156	1123

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
(c) the Commission, shall limit its own audits to a review of the work of the audit authority through re-performance at its level only, unless available information suggests a serious deficiency in the work of the audit authority.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-157	1124
		<b>For the purposes of management verifications referred to in point (a), the managing authority may rely on verifications carried out by external bodies provided that it has sufficient evidence of the competence of those bodies.</b>	<i>Provisional common understanding</i>  <b>For the purposes of management verifications referred to in point (a), the managing authority may rely on verifications carried out by external bodies provided that it has sufficient evidence of the competence of those bodies.</b>	V-158	1125
For point (b), where the population consists of less than 300 sampling units, the audit authority may apply a non-statistical sampling method in accordance with Article 73(2).	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-159	1126
<i>Article 78</i> <i>Conditions for application of enhanced proportionate arrangements</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-160	1127
1. The Member State may apply the enhanced proportionate arrangements set out in Article 77 at any time during the programming period, where the Commission has confirmed in its published annual activity reports for the last two years preceding the Member State's decision to apply the provisions of this Article, that the programme's	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	V-161	1128

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
management and control system is functioning effectively and that the total error rate for each year is below 2 %. When assessing the effective functioning of the programme's management and control system, the Commission shall take into account the participation of the Member State concerned in the enhanced cooperation on the European Public Prosecutor's Office.					
Where a Member State decides to use this option, it shall notify the Commission on the application of the proportionate arrangements set out in Article 77 which shall apply from the start of the subsequent accounting year.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	V-162	1129
2. At the start of the programming period, the Member State may apply the arrangements referred to in Article 77, provided that the conditions set out in paragraph 1 of this Article are met with respect to a similar programme implemented in 2014-2020 and where the management and control arrangements established for the 2021-2027 programme build largely on those for the previous programme. In such cases, the enhanced proportionate arrangements will apply from the start of the programme.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	V-163	1130
3. The Member State shall establish or update accordingly the description of the management and control system and the audit strategy described in Articles 63(9)	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	V-164	1131

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
and 72.					
<i>Article 79 Adjustment during the programming period</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding  [no change]</i>	V-165	1132
1. Where the Commission or the audit authority conclude, based on the audits carried out and the annual control report, that the conditions set out in Article 78 are no longer fulfilled, the Commission shall request the audit authority to carry out additional audit work in accordance with Article 63(3) and take remedial actions.	<i>[no change]</i>	1. Where the Commission or the audit authority conclude, based on the audits carried out and the annual control report, that the conditions set out in Article 78 are no longer fulfilled, the Commission shall request the audit authority to carry out additional audit work in accordance with Article 63(3) and <del>take satisfy itself that</del> remedial actions <b>are taken</b> .	<i>Provisional common understanding</i>  1. Where the Commission or the audit authority conclude, based on the audits carried out and the annual control report, that the conditions set out in Article 78 are no longer fulfilled, the Commission shall request the audit authority to carry out additional audit work in accordance with Article 63(3) and <del>take satisfy itself that</del> remedial actions <b>are taken</b> .	V-166	1133
2. Where the subsequent annual control report confirms that the conditions continue not to be fulfilled, thus limiting the assurance provided to the Commission on the effective functioning of the management and control systems and of the legality and regularity of expenditure, the Commission shall request the audit authority to carry out system audits.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding  [no change]</i>	V-167	1134
3. The Commission may, after having given to the Member State the opportunity to present its observations, inform the Member State that the enhanced proportionate arrangements set out in Article 77 shall no longer be applied.	<i>[no change]</i>	3. The Commission may, after having given to the Member State the opportunity to present its observations, inform the Member State that the enhanced proportionate arrangements set out in Article 77 shall no longer be applied- <b>from the start of the subsequent accounting year</b> .	<i>Provisional common understanding</i>  3. The Commission may, after having given to the Member State the opportunity to present its observations, inform the Member State that the enhanced proportionate arrangements set out in Article 77 shall no longer be applied- <b>from the start of the</b>	V-168	1135

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<b>subsequent accounting year.</b>		
TITLE VII FINANCIAL MANAGEMENT, SUBMISSION AND EXAMINATION OF ACCOUNTS AND FINANCIAL CORRECTIONS	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VI-2	1136
CHAPTER I Financial management	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VI-3	1137
SECTION I GENERAL ACCOUNTING RULES	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VI-4	1138
<i>Article 80</i> <i>Budgetary commitments</i>	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VI-5	1139
1. The decision approving the programme in accordance with Article 18 shall constitute a financing decision within the meaning of [Article 110(3)] of the Financial Regulation and its notification to the Member State concerned shall constitute a legal commitment.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VI-6	1140
That decision shall specify the Union contribution per Fund and per year.	<i>[no change]</i>	That decision shall specify the <b>total</b> Union contribution per Fund and per year. <b>However, for programmes under the Investment for jobs and growth goal, an amount corresponding to 50% for the years 2026 and 2027 ('flexibility amount')</b> per programme in each Member State shall be retained and shall only be definitively allocated to the programme after the adoption of	Provisional common understanding  That decision shall specify the <b>total</b> Union contribution per Fund and per year. <b>However, for programmes under the Investment for jobs and growth goal, an amount corresponding to 50% for the years 2026 and 2027 ('flexibility amount')</b> per programme in each Member State shall be	VI-7	1141



<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
		<b>the Commission decision following the mid-term review as referred to in Article 14.</b>	<b>retained and shall only be definitively allocated to the programme after the adoption of the Commission decision following the mid-term review as referred to in Article 14.</b>		
2. The budgetary commitments of the Union in respect of each programme shall be made by the Commission in annual instalments for each Fund during the period between 1 January 2021 and 31 December 2027.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-8	1142
3. By way of derogation from Article 111(2) of the Financial Regulation, the budgetary commitments for the first instalment shall follow the adoption of the programme by the Commission.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-9	1143
<i>Article 81</i> <i>Use of the euro</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-10	1144
Any amounts set out in programmes, reported or declared to the Commission by Member States shall be denominated in euro.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-11	1145
<i>Article 82</i> <i>Repayment</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-12	1146
1. Any repayment due to be made to the budget of the Union shall be effected before the due date indicated in the order for recovery drawn up in accordance with [Article 98 of the Financial Regulation].	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-13	1147

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
The due date shall be the last day of the second month following the issuing of the order.					
2. Any delay in effecting repayment shall give rise to interest on account of late payment, starting on the due date and ending on the date of actual payment. The rate of such interest shall be one-and-a-half percentage points above the rate applied by the European Central Bank in its main refinancing operations on the first working day of the month in which the due date falls.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-14	1148
SECTION II RULES FOR PAYMENTS TO MEMBER STATES	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-15	1149
<i>Article 83</i> <i>Types of payments</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-16	1150
Payments shall take the form of pre-financing, interim payments and payments of the balance of the accounts for the accounting year.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-17	1151
<i>Article 84</i> <i>Pre-financing</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-18	1152
1. The Commission shall pay pre-financing based on the total support from the Funds set out in the decision approving the programme pursuant to Article 17(3)(f)(i).	<i>[no change]</i>	<b>1. Without prejudice to Article 3b of Regulation (EU) No [JTF Regulation],</b> the Commission shall pay pre-financing based on the total support from the Funds set out in the decision approving the	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-19	1153

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
		programme pursuant to Article 17(3)(f)(i).			
2. The pre-financing for each Fund shall be paid in yearly instalments before 1 July of each year, subject to availability of funds, as follows:	<u>Amendment 310</u> The pre-financing for each Fund shall be paid in yearly instalments before 1 July of each year, <del>subject to availability of funds</del> as follows:	[no change]	Provisional common understanding [no change]	VI-20	1154
(a) 2021: 0.5 %;	[no change]	[no change]	Provisional common understanding [no change]	VI-21	1155
(b) 2022: 0.5 %;	<u>Amendment 311</u> (b) 2022: <del>0.5 %</del> ; <b>0,7 %</b> ;	[no change]	Provisional common understanding [no change]	VI-22	1156
(c) 2023: 0.5 %;	<u>Amendment 312</u> (c) 2023: <del>0.5 %</del> ; <b>1 %</b> ;	[no change]	Provisional common understanding [no change]	VI-23	1157
(d) 2024: 0.5 %;	<u>Amendment 313</u> (d) 2024: <del>0.5 %</del> ; <b>1,5 %</b> ;	[no change]	Provisional common understanding [no change]	VI-24	1158
(e) 2025: 0.5 %;	<u>Amendment 314</u> (e) 2025: <del>0.5 %</del> ; <b>2 %</b> ;	[no change]	Provisional common understanding [no change]	VI-25	1159
(f) 2026: 0.5 %	<u>Amendment 315</u> (f) 2026: <del>0.5</del> <b>2 %</b>	[no change]	Provisional common understanding [no change]	VI-26	1160
Where a programme is adopted after 1 July 2021, the earlier instalments shall be paid in the year of adoption.	[no change]	[no change]	Provisional common understanding [no change]	VI-27	1161

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
3. By way of derogation from paragraph 2, for Interreg programmes, specific rules on pre-financing shall be set out in the ETC Regulation.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VI-28	1162
		<b>3a. By way of derogation from paragraph 2, for programmes supported by the AMIF, the ISF and the BMVI, specific rules on pre-financing shall be set out in the fund-specific Regulations.</b>	Provisional common understanding  <b>3a. By way of derogation from paragraph 2, for programmes supported by the AMIF, the ISF and the BMVI, specific rules on pre-financing shall be set out in the fund-specific Regulations.</b>  <i>Comment: To be reviewed, if necessary, in the light of the outcome of negotiations on the HOME funds.</i>	VI-28a	1163
4. The amount paid as pre-financing shall be cleared from the Commission accounts no later than with the final accounting year.	<i>[no change]</i>	4. The amount paid as pre-financing shall be cleared from the Commission accounts <b>each year with the acceptance of no later than the final accounting year pursuant to Article 94. For programmes supported by the AMIF, the ISF and the BMVI the amount paid as pre-financing shall be cleared from the Commission accounts no later than the final accounting year.</b>	Provisional common understanding  4. The amount paid as pre-financing <b>for the years 2021 and 2022</b> shall be cleared from the Commission accounts <b>each year and, for the years 2023 to 2026</b> , no later than with the final accounting year, <b>in accordance with Article 94.</b>  <b>For programmes supported by the AMIF, the ISF and the BMVI the amount paid as pre-financing shall be cleared from the Commission accounts no later than with the final accounting year.</b>  <i>Comment at trilogue on 01/12: The</i>	VI-29	1164

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<i>Commission will issue a statement on Article 84(4).</i>		
5. Any interest generated by the pre-financing shall be used for the programme concerned in the same way as the Funds and shall be included in the accounts for the final accounting year.	<i>[no change]</i>	5. Any interest generated by the pre-financing shall be used for the programme concerned in the same way as the Funds <del>and shall be included in the accounts for the final accounting year.</del>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-30	1165
<i>Article 85</i> <i>Payment applications</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-31	1166
1. The Member State shall submit a maximum of four payment applications per programme, per Fund and per accounting year. Every year the time limit for each payment application shall be 30 April, 31 July, 31 October and 26 December.	<i>[no change]</i>	1. The Member State shall submit a maximum of <del>four</del> <b>seven</b> payment applications per programme, per Fund and per accounting year. Every year <del>the time limit for each</del> , <b>one</b> payment application <del>shall</del> <b>may be 30 April submitted at any time in each time period between the following dates: 28 February, 31 May, 31 July, 31 October, 30 November and 26 31 December- and one additional payment application per programme, per Fund may be submitted in one of those time periods.</b>	<i>Provisional common understanding</i>  1. The Member State shall submit a maximum of <del>four</del> <b>six</b> payment applications per programme, per Fund and per accounting year. Every year <del>the time limit for each</del> , <b>one</b> payment application <del>shall</del> <b>may be 30 April submitted at any time in each time period between the following dates: 28 February, 31 May, 31 July, 31 October, 30 November and 26 31 December.</b>	VI-32  <i>Link to recital (55)</i>	1167
The last payment application submitted by 31 July shall be deemed to be the final payment application for the accounting year that has ended 30 June.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-33	1168
		<b>The first sub-paragraph shall not apply to Interreg Programmes.</b>	<i>Provisional common understanding</i>  <b>The first sub-paragraph shall not apply to Interreg Programmes.</b>	VI-34	1169

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
2. Payment applications shall not be admissible unless the latest assurance package due has been submitted.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-35	1170
3. Payment applications shall be submitted to the Commission in accordance with the template set out in Annex XIX and include, for each priority and by category of region:	<i>[no change]</i>	3. Payment applications shall be submitted to the Commission in accordance with the template set out in Annex XIX and include, for each priority and, <b>where relevant</b> , by category of region:	<i>Provisional common understanding</i>  3. Payment applications shall be submitted to the Commission in accordance with the template set out in Annex XIX and include, for each priority and, <b>where relevant</b> , by category of region:	VI-36	1171
(a) the total amount of eligible expenditure incurred by beneficiaries and paid in implementing operations, as entered in the system of the body carrying out the accounting function;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  (a) the total amount of eligible expenditure incurred by beneficiaries and paid in implementing operations <b>linked to specific objectives for which enabling conditions are fulfilled and operations linked to specific objectives for which enabling conditions are not fulfilled but contribute to the fulfilment of enabling conditions</b> , as entered in the system of the body carrying out the accounting function;	VI-37	1172
(b) the amount for technical assistance calculated in accordance with Article 31(2);	<u>Amendment 316</u>  (b) the amount for technical assistance calculated in accordance with Article <del>31(2)</del> <b>31</b> ;	(b) the amount for technical assistance calculated in accordance with <b>point (b) of Article <del>31(2)</del>30(5), where applicable;</b>	<i>Provisional common understanding</i>  (b) the amount for technical assistance calculated in accordance with <b>point (b) of Article <del>31(2)</del>30(5), where applicable;</b>	VI-38	1173
(c) the total amount of public contribution paid or to be paid, as entered in the	<i>[no change]</i>	(c) the total amount of public contribution <del>paid made</del> or to be <del>paid-made</del> , as entered	<i>Provisional common understanding</i>  (c) the total amount of public	VI-39	1174

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
accounting systems of the body carrying out the accounting function;		in the accounting systems of the body carrying out the accounting function;	contribution <del>paid</del> <b>made</b> or to be <del>paid</del> <b>made linked to specific objectives for which enabling conditions are fulfilled and operations linked to specific objectives for which enabling conditions are not fulfilled but contribute to the fulfilment of enabling conditions</b> , as entered in the system of the body carrying out the accounting function;		
			<i>Provisional common understanding</i>  <b>(d) the total amount of eligible expenditure incurred by beneficiaries and paid in implementing operations linked to specific objectives for which enabling conditions are not fulfilled with the exception of operations that contribute to the fulfilment of enabling conditions, as entered in the system of the body carrying out the accounting function</b>  <i>[Annex XIX to be adapted]</i>	VI-39a  <i>Link to Annex XIX</i>	1175
4. By way of derogation from point (a) of paragraph 3, the following shall apply:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-40	1176
(a) where the Union contribution is made pursuant to point (a) of Article 46, the amounts included in a payment application shall be the amounts justified by the progress in the fulfilment of conditions, or achievement of results, in accordance with	<i>[no change]</i>	(a) where the Union contribution is made pursuant to point (a) of Article 46, the amounts included in a payment application shall be the amounts justified by the progress in the fulfilment of conditions, or achievement of results, in accordance with the decision referred to in	<i>Provisional common understanding</i>  (a) where the Union contribution is made pursuant to point (a) of Article 46, the amounts included in a payment application shall be the amounts justified by the progress in the fulfilment of	VI-41	1177

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
the decision referred to in Article 89(2);		Article 89(2) <b>or the delegated act referred to in Article 89(4);</b>	conditions, or achievement of results, in accordance with the decision referred to in Article 89(2) <b>or the delegated act referred to in Article 89(4);</b>		
(b) where the Union contribution is made pursuant to points (c), (d) and (e) of Article 46, the amounts included in an payment application shall be the amounts determined in accordance with the decision referred to in Article 88(3);	<i>[no change]</i>	(b) where the Union contribution is made pursuant to points (c), (d) and (e) of Article 46, the amounts included in <del>ana</del> payment application shall be the amounts determined in accordance with the decision referred to in Article 88(3) <b>or the delegated act referred to in Article 88(4);</b>	<i>Provisional common understanding</i>  (b) where the Union contribution is made pursuant to points (c), (d) and (e) of Article 46, the amounts included in <del>ana</del> payment application shall be the amounts determined in accordance with the decision referred to in Article 88(3) <b>or the delegated act referred to in Article 88(4);</b>	VI-42	1178
(c) for the forms of grants listed in points (b), (c) and (d) of Article 48(1), the amounts included in a payment application shall be the costs calculated on the applicable basis.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-43	1179
	<u>Amendment 317</u>  <i>(ca) in the case of state aid, the payment application may include advances paid to the beneficiary by the body granting the aid under the following cumulative conditions: they are subject to a bank or equivalent guarantee, they do not exceed 40 % of the total amount of the aid to be granted to a beneficiary for a given operation and are covered by expenditure paid by beneficiaries and supported by receipted invoices within 3 years.</i>		<i>Provisional common understanding</i>  <i>[EP amendment withdrawn (covered by rows VI-45 to VI-49)]</i>	VI-44  <i>Link to VI-45 and VI-49</i>	1180



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		<b>4.bis</b> By way of derogation from paragraph 3, in the case of State aid, the payment application may include advances paid to the beneficiary by the body granting the aid under the following cumulative conditions:	<i>Provisional common understanding</i>  <b>4.bis</b> By way of derogation from paragraph 3, in the case of State aid, the payment application may include advances paid to the beneficiary by the body granting the aid under the following cumulative conditions:	VI-45	1181
		<b>(a)</b> those advances are subject to a guarantee provided by a bank or other financial institution established in the Member State or be covered by a facility provided as a guarantee by a public entity or by the Member State;	<i>Provisional common understanding</i>  <b>(a)</b> those advances are subject to a guarantee provided by a bank or other financial institution established in the Member State or be covered by a facility provided as a guarantee by a public entity or by the Member State;	VI-46	1182
		<b>(b)</b> those advances do not exceed 40 % of the total amount of the aid to be granted to a beneficiary for a given operation;	<i>Provisional common understanding</i>  <b>(b)</b> those advances do not exceed 40 % of the total amount of the aid to be granted to a beneficiary for a given operation;	VI-47	1183
		<b>(c)</b> those advances are covered by expenditure paid by beneficiaries in implementing the operation and supported by receipted invoices or accounting documents of equivalent probative value at the latest within three years following the year of the payment of the advance or on 31 December 2029, whichever is earlier, failing which the next payment application shall be corrected	<i>Provisional common understanding</i>  <b>(c)</b> those advances are covered by expenditure paid by beneficiaries in implementing the operation and supported by receipted invoices or accounting documents of equivalent probative value at the latest within three years following the year of the payment of the advance or on 31 December 2029, whichever is earlier, failing which the next payment	VI-48	1184

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		accordingly.	application shall be corrected accordingly.		
		<b>Each payment application which includes advances of this type shall separately disclose the total amount paid from the programme as advances, the amount which has been covered by expenditure paid by beneficiaries within three years of the payment of the advance in accordance with point (c) and the amount which has not been covered by expenditure paid by beneficiaries and for which the three year period has not yet elapsed.</b>	<i>Provisional common understanding</i> <b>Each payment application which includes advances of this type shall separately disclose the total amount paid from the programme as advances, the amount which has been covered by expenditure paid by beneficiaries within three years of the payment of the advance in accordance with point (c) and the amount which has not been covered by expenditure paid by beneficiaries and for which the three year period has not yet elapsed.</b>	VI-49	1185
5. By way of derogation from point (c) of paragraph 3, in the case of aid schemes under Article 107 of the TFEU, the public contribution corresponding to the expenditure included in a payment application shall have been paid to the beneficiaries by the body granting the aid.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-50	1186
<i>Article 86</i> <i>Specific elements for financial instruments in payment applications</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-51	1187
1. Where financial instruments are implemented in accordance with Article 53(2), payment applications submitted in accordance with Annex XIX shall include the total amounts disbursed or, in the case of guarantees, the amounts set aside as agreed in guarantee contracts, by the	<u>Amendment 318</u> 1. Where financial instruments are implemented in accordance with Article <del>53(2)</del> <b>53(1)</b> , payment applications submitted in accordance with Annex XIX shall include the total amounts disbursed	1. Where financial instruments are implemented in accordance with Article 53(21), payment applications submitted in accordance with Annex XIX shall include the total amounts disbursed or, in the case of guarantees, the amounts set aside <del>as agreed in</del> <b>for</b> guarantee contracts, by the	<i>Provisional common understanding</i> 1. Where financial instruments are implemented in accordance with Article 53(21), payment applications submitted in accordance with Annex XIX shall include the total amounts disbursed or, in	VI-52	1188

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
managing authority to final recipients as referred to in points (a), (b) and (c) of Article 62(1).	or, in the case of guarantees, the amounts set aside as agreed in guarantee contracts, by the managing authority to final recipients as referred to in points (a), (b) and (c) of Article 62(1).	managing authority to final recipients as referred to in points (a), (b) and (c) of Article 62(1).	the case of guarantees, the amounts set aside <del>as agreed in</del> for guarantee contracts, by the managing authority to final recipients as referred to in points (a), (b) and (c) of Article 62(1).		
2. Where financial instruments are implemented in accordance with Article 53(3), payment applications that include expenditure for financial instruments shall be submitted in accordance with the following conditions:	<u>Amendment 319</u> 2. Where financial instruments are implemented in accordance with Article <del>53(3)</del> <b>53(2)</b> , payment applications that include expenditure for financial instruments shall be submitted in accordance with the following conditions:	2. Where financial instruments are implemented in accordance with Article 53( <del>3</del> ), payment applications that include expenditure for financial instruments shall be submitted in accordance with the following conditions:	<i>Provisional common understanding</i> 2. Where financial instruments are implemented in accordance with Article 53( <del>3</del> ), payment applications that include expenditure for financial instruments shall be submitted in accordance with the following conditions:	VI-53	1189
(a) the amount included in the first payment application shall have been paid to the financial instruments and may be up to 25 % of the total amount of programme contributions committed to the financial instruments under the relevant funding agreement, in accordance with the relevant priority and category of region, if applicable;	[no change]	(a) the amount included in the first payment application shall have been paid to the financial instruments and may be up to <del>25</del> <b>35</b> % of the total amount of programme contributions committed to the financial instruments under the relevant funding agreement, in accordance with the relevant priority and category of region, if applicable;	<i>Provisional common understanding</i> (a) the amount included in the first payment application shall have been paid to the financial instruments and may be up to <del>25</del> <b>30</b> % of the total amount of programme contributions committed to the financial instruments under the relevant funding agreement, in accordance with the relevant priority and category of region, if applicable;  <i>(Linked to block IV)</i>	VI-54	1190
(b) the amount included in subsequent payment applications submitted during the eligibility period shall include the eligible expenditure as referred to in Article 62(1).	[no change]	(b) the amount included in subsequent payment applications submitted during the eligibility period shall include the eligible expenditure as referred to in Article 62(1)-) <b>(a), (b) and (c)</b> ;	<i>Provisional common understanding</i>  [no change]	VI-55 <i>Linked to lines IV-170 - IV-173</i>	1191

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		<b>(c) the amounts included in the first and subsequent payment applications shall include the amount of management costs and fees established in line with Article 62(3).</b>	<i>Provisional common understanding</i> <i>[CONS AM withdrawn]</i>	VI-56 <i>Linked to block IV</i>	1192
3. The amount included in the first payment application, referred to in point (a) of paragraph 2, shall be cleared from Commission accounts no later than the final accounting year.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-57	1193
It shall be disclosed separately in payment applications.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-58	1194
<i>Article 87</i> <i>Common rules for payments</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-59	1195
1. Subject to available funding, the Commission shall make interim payments no later than 60 days after the date on which a payment application is received by the Commission.	<u>Amendment 320</u> 1. <del>Subject to available funding</del> The Commission shall make interim payments no later than 60 days after the date on which a payment application is received by the Commission.	1. <del>Subject</del> <b>Without prejudice to Article 11(5) and (6) and</b> subject to available funding, the Commission shall make interim payments no later than 60 days after the date on which a payment application is received by the Commission.	<i>Provisional common understanding</i> 1. <del>Subject</del> <b>Without prejudice to Article 11(5) and (6) and</b> subject to available funding, the Commission shall make interim payments no later than 60 days after the date on which a payment application is received by the Commission.	VI-60	1196
2. Each payment shall be attributed to the earliest open budget commitment of the Fund and category of region concerned. The Commission shall reimburse as interim payments 90 % of the amounts included in the payment application, which results from applying the co-financing rate	<i>[no change]</i>	2. Each payment shall be attributed to the earliest open budget commitment of the Fund and category of region concerned. The Commission shall reimburse as interim payments <del>90-95</del> % of the amounts included in the payment application, which results from applying the co-	<i>Provisional common understanding</i> 2. Each payment shall be attributed to the earliest open budget commitment of the Fund and category of region concerned. The Commission shall reimburse as interim payments <del>90-95</del> % of the amounts	VI-61	1197

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
for each priority to the total eligible expenditure or to the public contribution as appropriate. The Commission shall determine the remaining amounts to be reimbursed or to be recovered when calculating the balance of the accounts in accordance with Article 94.		financing rate for each priority to the total eligible expenditure or to the public contribution as appropriate. The Commission shall determine the remaining amounts to be reimbursed or to be recovered when calculating the balance of the accounts in accordance with Article 94.	included in the payment application, which results from applying the co-financing rate for each priority to the total eligible expenditure or to the public contribution as appropriate. The Commission shall determine the remaining amounts to be reimbursed or to be recovered when calculating the balance of the accounts in accordance with Article 94.		
3. The support from the Funds to a priority in interim payments shall not be higher than the amount of the support from the Funds for the priority laid down in the decision of the Commission approving the programme.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VI-62	1198
4. Where the Union contribution takes the form of point (a) of Article 46 or where the grants take the form listed in points (b), (c) and (d) of Article 48(1) the Commission shall not pay more than the amount requested by the Member State.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  4. <del>Where</del> For the Union contribution takes <b>taking</b> the forms of support point (a) of Article 46, or where the grants take the form listed in points (b), (c) and (d) of Article 48(1) the Commission shall not pay more than the amount requested by the Member State.	VI-63	1199
5. In addition, the support from the Funds to a priority in the payment of the balance of the final accounting year shall not exceed any of the following amounts:	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VI-64	1200
(a) the public contribution declared in payment applications;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VI-65	1201

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
(b) support from the Funds paid to beneficiaries;	<i>[no change]</i>	(b) support from the Funds paid <b>or to be paid</b> to beneficiaries;	<i>Provisional common understanding</i>  (b) support from the Funds paid <b>or to be paid</b> to beneficiaries;	VI-66	1202
(c) the amount requested by the Member State.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-67	1203
			<i>Provisional common understanding</i>  <b>Amounts reimbursed pursuant to Article 30(5) shall not be taken into account for the purposes of calculating the ceiling set out in point (b).</b>	VI-67bis	1204
6. On the request of a Member State, interim payments may be increased by 10 % above the co-financing rate applicable to each priority for the Funds, if a Member State meets one of the following conditions after [date of adoption of this Regulation]:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-68	1205
(a) the Member State receives a loan from the Union under Council Regulation (EU) No 407/2010;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-69	1206
(b) the Member State receives medium-term financial assistance under the ESM as established by the Treaty establishing the ESM of 2 February 2012 or as referred to in Council Regulation (EC) No 332/2002 <sup>94</sup>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-70	1207

<sup>94</sup> Council Regulation (EC) No 332/2002 of 18 February 2002 establishing a facility providing medium-term financial assistance for Member States' balances of payments (OJ L 53, 23.2.2002, p. 1).

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
conditional on the implementation of a macro-economic adjustment programme;					
(c) financial assistance is made available to the Member State conditional on the implementation of a macroeconomic adjustment programme as specified in Regulation (EU) No 472/2013 <sup>95</sup> of the European Parliament and of the Council.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-71	1208
The increased rate, which may not exceed 100 %, shall apply to requests for payments until the end of the calendar year in which the related financial assistance comes to an end.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-72	1209
7. Paragraph 6 shall not apply to Interreg programmes.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-73	1210
<i>Article 88</i> <i>Reimbursement of eligible expenditure based on unit costs, lump sums and flat rates</i>	<i>[no change]</i>	<i>Article 88</i> <del>Reimbursement of eligible expenditure</del> <b>Union contribution</b> based on unit costs, lump sums and flat rates	<i>Provisional common understanding</i>  <i>Article 88</i> <del>Reimbursement of eligible expenditure</del> <b>Union contribution</b> based on unit costs, lump sums and flat rates	VI-74	1211
1. The Commission may reimburse the Union contribution to a programme on the basis of unit costs, lump sums and flat rates for reimbursement of the Union contribution to a programme.	<i>[no change]</i>	1. The Commission may reimburse the Union contribution to a programme on the basis of unit costs, lump sums and flat rates <del>for reimbursement of the Union contribution to a programme.</del> <b>in accordance with Article 46, either based</b>	<i>Provisional common understanding</i>  1. The Commission may reimburse the Union contribution to a programme on the basis of unit costs, lump sums and flat rates <del>for reimbursement of the Union</del>	VI-75	1212

<sup>95</sup> Regulation (EU) No 472/2013 of the European Parliament and of the Council of 21 May 2013 on the strengthening of economic and budgetary surveillance of Member States in the euro area experiencing or threatened with serious difficulties with respect to their financial stability (OJ L 140, 27.5.2013, p. 1).

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		<b>on the amounts and rates approved by a Commission decision in accordance with paragraph 2 or set out in the delegated act referred to in paragraph 4.</b>	<del>contribution to a programme.</del> <b>in accordance with Article 46, either based on the amounts and rates approved by a Commission decision in accordance with paragraph 2 or set out in the delegated act referred to in paragraph 4.</b>		
2. In order to make use of a Union contribution to the programme based on unit costs, lump sums and flat rates as referred to in Article 46, Member States shall submit a proposal to the Commission in accordance with the templates set out in Annexes V and VI, as part of the programme or of a request for its amendment.	<i>[no change]</i>	2. In order to make use of a Union contribution to the programme based on unit costs, lump sums and flat rates <del>as referred to in Article 46,</del> Member States shall submit a proposal to the Commission in accordance with the templates set out in Annexes V and VI, as part of the programme or of a request for its amendment.	<i>Provisional common understanding</i>  2. In order to make use of a Union contribution to the programme based on unit costs, lump sums and flat rates <del>as referred to in Article 46,</del> Member States shall submit a proposal to the Commission in accordance with the templates set out in Annexes V and VI, as part of the programme or of a request for its amendment.	VI-76	1213
The amounts and rates proposed by the Member State shall be established on the basis of the delegated act referred to in paragraph 4 or on the basis of the following:	<i>[no change]</i>	The amounts and rates proposed by the Member State shall be established on the basis of <del>the delegated act referred to in paragraph 4 or on the basis of the</del> following:	<i>Provisional common understanding</i>  The amounts and rates proposed by the Member State shall be established on the basis of <del>the delegated act referred to in paragraph 4 or on the basis of the</del> following:	VI-77	1214
(a) a fair, equitable and verifiable calculation method based on any of the following:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-78	1215
(i) statistical data, other objective information or an expert judgement;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-79	1216
(ii) verified historical data;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>	VI-80	1217



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			[no change]		
(iii) the application of usual cost accounting practices;	[no change]	[no change]	Provisional common understanding [no change]	VI-81	1218
(b) draft budgets;	[no change]	[no change]	Provisional common understanding [no change]	VI-82	1219
(c) the rules on corresponding unit costs and lump sums applicable in Union policies for a similar type of operation;	[no change]	(c) the rules on corresponding unit costs <del>and</del> , lump sums <b>and flat rates</b> applicable in Union policies for a similar type of operation;	Provisional common understanding (c) the rules on corresponding unit costs <del>and</del> , lump sums <b>and flat rates</b> applicable in Union policies for a similar type of operation;	VI-83	1220
(d) the rules on corresponding unit costs and lump sums applied under schemes for grants funded entirely by the Member State for a similar type of operation.	[no change]	(d) the rules on corresponding unit costs <del>and</del> , lump sums <b>and flat rates</b> applied under schemes for grants funded entirely by the Member State for a similar type of operation.	Provisional common understanding (d) the rules on corresponding unit costs <del>and</del> , lump sums <b>and flat rates</b> applied under schemes for grants funded entirely by the Member State for a similar type of operation.	VI-84	1221
3. The Commission decision approving the programme or its amendment shall set out the types of operations covered by the reimbursement based on unit costs, lump sums and flat rates, the definition and the amounts covered by unit costs, lump sums and flat rates and the methods for adjustment of the amounts.	[no change]	[no change]	Provisional common understanding [no change]	VI-85	1222
Member States shall use one of the forms of grants as referred to in Article 48(1) to support operations for which expenditure	[no change]	Member States shall <del>use one of the forms of grants as referred to in Article 48(1) to support operations</del> <b>reimburse</b>	Provisional common understanding Member States shall <del>use one of the forms</del>	VI-86	1223

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
is reimbursed by the Commission on the basis of this Article.		<del>beneficiaries for which expenditure is reimbursed by the Commission on the basis</del> <b>the purposes of this Article. That reimbursement may take any form of support.</b>	<del>of grants as referred to in Article 48(1) to support operations</del> <b>reimburse beneficiaries for which expenditure is reimbursed by the Commission on the basis the purposes of this Article. That reimbursement may take any form of support.</b>		
Commission or Member States audits shall exclusively aim at verifying that the conditions for reimbursement by the Commission have been fulfilled.	<i>[no change]</i>	Commission or Member States audits <b>and Member States management verifications</b> shall exclusively aim at verifying that the conditions for reimbursement by the Commission have been fulfilled.	<i>Provisional common understanding</i>  Commission or Member States audits <b>and management verifications carried out by Member States</b> shall exclusively aim at verifying that the conditions for reimbursement by the Commission have been fulfilled.	VI-87	1224
4. The Commission is empowered to adopt a delegated act in accordance with Article 107 to supplement this Article by defining unit costs, lump sums, flat rates, their amounts and adjustment methods in the ways referred to in the second sub-paragraph of paragraph 2.	<i>[no change]</i>	4. <del>The</del> <b>In addition, the</b> Commission is empowered to adopt a delegated act in accordance with Article 107 to supplement this Article by defining <b>EU level</b> unit costs, lump sums, flat rates, their amounts and adjustment methods in the ways referred to in <b>points (a) to (d) of</b> the second sub-paragraph of paragraph 2.	<i>Provisional common understanding</i>  4. <del>The</del> <b>In addition, the</b> Commission is empowered to adopt a delegated act in accordance with Article 107 to supplement this Article by defining <b>EU level</b> unit costs, lump sums, flat rates, their amounts and adjustment methods in the ways referred to in <b>points (a) to (d) of</b> the second sub-paragraph of paragraph 2.  <i>(N.B. Consequential changes might be needed in the programme template, COM to provide further input)</i>	VI-88	1225
		<b>5 (new). This Article shall not apply to the Union contribution for technical assistance reimbursed pursuant to</b>	<i>Provisional common understanding</i>  <b>5 (new). This Article shall not apply to the Union contribution for technical</b>	VI-89	1226

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		<b>point (e) of Article 46.</b>	<b>assistance reimbursed pursuant to point (e) of Article 46.</b>		
<i>Article 89</i> <i>Financing not linked to costs</i>	<i>[no change]</i>	<i>Article 89</i> <b>Financing Union contribution based on financing not linked to costs</b>	<i>Provisional common understanding</i>  <i>Article 89</i> <b>Financing Union contribution based on financing not linked to costs</b>	VI-90  <i>Link to recital (26)</i>	1227
1. In order to make use of a Union contribution to all or parts of a priority of programmes based on financing not linked to costs, the Member State shall submit a proposal to the Commission in accordance with the templates set out in Annexes V and VI, as part of the programme or of a request for its amendment. The proposal shall contain the following information:	<i>[no change]</i>	<del>1. In order to make use of a</del> <b>The Commission may reimburse the</b> Union contribution to all or parts of a priority of programmes based on financing not linked to costs, <del>the Member State</del> <b>in accordance with Article 46, either based on the amounts approved by a Commission decision in accordance with paragraph 2 or set out in the delegated act referred to in paragraph 4. In order to make use of a Union contribution to the programme based on financing not linked to costs, Member States</b> shall submit a proposal to the Commission in accordance with the templates set out in Annexes V and VI, as part of the programme or of a request for its amendment. The proposal shall contain the following information:	<i>Provisional common understanding</i>  <del>1. In order to make use of a</del> <b>The Commission may reimburse the</b> Union contribution to all or parts of a priority of programmes based on financing not linked to costs, <del>the Member State</del> <b>in accordance with Article 46, either based on the amounts approved by a Commission decision in accordance with paragraph 2 or set out in the delegated act referred to in paragraph 4. In order to make use of a Union contribution to the programme based on financing not linked to costs, Member States</b> shall submit a proposal to the Commission in accordance with the templates set out in Annexes V and VI, as part of the programme or of a request for its amendment. The proposal shall contain the following information:	VI-91	1228
(a) identification of the priority concerned and the overall amount covered by the financing not linked to costs; a description of the part of the programme and the type of operations covered by the financing not	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-92	1229

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
linked to costs;					
(b) a description of the conditions to be fulfilled or of the results to be achieved and a timeline;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-93	1230
(c) intermediate deliverables triggering reimbursement by the Commission;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-94	1231
(d) measurement units;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-95	1232
(e) the schedule for reimbursement by the Commission and related amounts linked to the progress in the fulfilment of conditions or achievement of results;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-96	1233
(f) the arrangements for verification of the intermediate deliverables and of the fulfilment of conditions or achievement of results;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-97	1234
(g) the methods for adjustment of the amounts, where applicable;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-98	1235
(h) the arrangements to ensure the audit trail in accordance with Annex XI demonstrating the fulfilment of conditions or achievement of results.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-99	1236
		<b>(i) the envisaged reimbursement to the beneficiary(-ies) within the priority or parts of a priority of programmes concerned by this Article.</b>	<i>Provisional common understanding</i> <b>(i) the envisaged type of reimbursement method used to reimburse the beneficiary or</b>	VI-100	1237

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<b>beneficiaries within the priority or parts of a priority of programmes concerned by this Article.</b>		
2. The Commission decision approving the programme or the request for its amendment shall set out all the elements listed in paragraph 1.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-101	1238
3. Member States shall use one of the forms of grants as referred to in Article 48(1) to support operations for which expenditure is reimbursed by the Commission on the basis of this Article.	<i>[no change]</i>	3. Member States shall <del>use one of the forms of grants as referred to in Article 48(1) to support operations</del> <b>reimburse beneficiaries</b> for which expenditure is reimbursed by the Commission on the basis <b>the purposes</b> of this Article. <b>That reimbursement may take any form of support.</b>	<i>Provisional common understanding</i>  3. Member States shall <del>use one of the forms of grants as referred to in Article 48(1) to support operations</del> <b>reimburse beneficiaries</b> for which expenditure is reimbursed by the Commission on the basis <b>the purposes</b> of this Article. <b>That reimbursement may take any form of support.</b>	VI-102	1239
Commission or Member States audits shall exclusively aim at verifying that the conditions for reimbursement by the Commission have been fulfilled or the results have been achieved.	<i>[no change]</i>	Commission or Member States audits <b>and Member States management verifications</b> shall exclusively aim at verifying that the conditions for reimbursement by the Commission have been fulfilled or the results have been achieved.	<i>Provisional common understanding</i>  Commission or Member States audits <b>and management verifications carried out by Member States</b> shall exclusively aim at verifying that the conditions for reimbursement by the Commission have been fulfilled or the results have been achieved.	VI-103	1240
4. The Commission is empowered to adopt a delegated act in accordance with Article 107 to supplement this Article by establishing amounts for financing not linked to costs by type of operation, the methods for adjustment of the amounts and the conditions to be fulfilled or the results	<i>[no change]</i>	4. The Commission is empowered to adopt a delegated act in accordance with Article 107 to supplement this Article by establishing amounts for <b>EU level</b> financing not linked to costs by type of operation, the methods for adjustment of the amounts and the conditions to be	<i>Provisional common understanding</i>  4. <b>In addition, the</b> Commission is empowered to adopt a delegated act in accordance with Article 107 to supplement this Article by establishing amounts for <b>EU-level</b> financing not	VI-104	1241

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
to be achieved.		fulfilled or the results to be achieved.	linked to costs by type of operation, the methods for adjustment of the amounts and the conditions to be fulfilled or the results to be achieved.		
SECTION III INTERRUPTIONS AND SUSPENSIONS	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-105	1242
<i>Article 90</i> <i>Interruption of the payment deadline</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-106	1243
1. The Commission may interrupt the payment deadline for payments, except for pre-financing, for a maximum period of six months where any of the following conditions is met:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-107	1244
(a) there is evidence to suggest a serious deficiency and for which corrective measures have not been taken;	<u>Amendment 321</u> (a) there is <b>a serious</b> evidence <del>to suggest</del> <b>of</b> a serious deficiency and for which corrective measures have not been taken;	(a) there is evidence to suggest a serious deficiency and for which corrective measures have not been taken;	<i>Provisional common understanding</i> (a) there is evidence to suggest a serious deficiency <del>and</del> for which corrective measures have not been taken;	VI-108	1245
(b) the Commission has to carry out additional verifications following receipt of information that expenditure in a payment application may be linked to an irregularity.	<i>[no change]</i>	(b) the Commission has to carry out additional verifications following receipt of information that expenditure in a payment application may be linked to an irregularity.	<i>Provisional common understanding</i> <i>[no change]</i>	VI-109	1246
2. The Member State may agree to extend the interruption period by three months.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-110	1247

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
3. The Commission shall limit the interruption to the part of the expenditure affected by the elements referred to in paragraph 1, unless it is not possible to identify the part of the expenditure affected. The Commission shall inform the Member State in writing of the reason for interruption and shall ask them to remedy the situation. The Commission shall end the interruption as soon as the measures remedying the elements referred to in paragraph 1 have been taken.	<i>[no change]</i>	3. The Commission shall limit the interruption to the part of the expenditure affected by the elements referred to in paragraph 1, unless it is not possible to identify the part of the expenditure affected. The Commission shall inform the Member State <b>and the managing authority</b> in writing of the reason for interruption and shall ask them to remedy the situation. The Commission shall end the interruption as soon as the measures remedying the elements referred to in paragraph 1 have been taken.	<i>Provisional common understanding</i>  3. The Commission shall limit the interruption to the part of the expenditure affected by the elements referred to in paragraph 1, unless it is not possible to identify the part of the expenditure affected. The Commission shall inform the Member State <b>and the managing authority</b> in writing of the reason for interruption and shall ask them to remedy the situation. The Commission shall end the interruption as soon as the measures remedying the elements referred to in paragraph 1 have been taken.	VI-111	1248
4. The Fund-specific rules for the EMFF may lay down specific bases for interruption of payments linked to non-compliance with rules applicable under the Common Fisheries Policy.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-112	1249
<i>Article 91</i> <i>Suspension of payments</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-113	1250
1. The Commission may suspend all or part of payments after having given the Member State the opportunity to present its observations, if any of the following conditions is met:	<i>[no change]</i>	1. The Commission may suspend all or part of payments, <b>except for pre-financing</b> , after having given the Member State the opportunity to present its observations, if any of the following conditions is met:	<i>Provisional common understanding</i>  1. The Commission may suspend all or part of payments, <b>except for pre-financing</b> , after having given the Member State the opportunity to present its observations, if any of the following conditions is met:	VI-114	1251

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
(a) the Member State has failed to take the necessary action to remedy the situation giving rise to an interruption under Article 90;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VI-115	1252
(b) there is a serious deficiency;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VI-116	1253
(c) the expenditure in payment applications is linked to an irregularity that has not been corrected;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VI-117	1254
(d) there is a reasoned opinion by the Commission in respect of an infringement under Article 258 of the TFEU that puts at risk the legality and regularity of expenditure	<i>[no change]</i>	(d) there is a reasoned opinion by the Commission in respect of an infringement under Article 258 of the TFEU <del>that puts</del> <b>covering a matter having a sufficient direct link with the expenditure so as to put</b> at risk <del>the its</del> legality and regularity <del>of expenditure</del> ;	Provisional common understanding  (d) there is a reasoned opinion by the Commission in respect of an infringement <b>procedure</b> under Article 258 of the TFEU <b>on a matter</b> that puts at risk the legality and regularity of expenditure	VI-118  <i>Link to recital (57)</i>	1255
(e) the Member State has failed to take the necessary action in accordance with Article 15(6).	<u>Amendment 322</u> <sup>96</sup> <del>(e) the Member State has failed to take the necessary action in accordance with Article 15(6).</del>	(e) the Member State has failed to take the necessary action in accordance with Article 15(6).	Provisional common understanding  <del>(e) the Member State has failed to take the necessary action in accordance with Article 15(6).</del>	VI-119	1256
2. The Commission shall end the suspension of all or part of payments when the Member State has taken the measures remedying the elements referred to in paragraph 1.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VI-120	1257

<sup>96</sup> EP position: This amendment is linked to EP amendments 425/rev, 444/rev, 448, 469 deleting Article 15 in its entirety.



<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
3. The Fund-specific rules for the EMFF may lay down specific bases for suspension of payments linked to non-compliance with rules applicable under the Common Fisheries Policy.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-121	1258
CHAPTER II Submission and examination of accounts	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-122	1259
<i>Article 92</i> <i>Content and submission of accounts</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-123	1260
1. For each accounting year for which payment applications have been submitted, the Member State shall submit to the Commission by 15 February, the following documents ('the assurance package') which shall cover the preceding accounting year as defined in Article 2(28):	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-124	1261
(a) the accounts in accordance with the template set out in Annex XX;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-125	1262
(b) the management declaration referred to in Article 68(1)(f) in accordance with the template set out in Annex XV;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-126	1263
(c) the audit opinion referred to in Article 71(3)(a) in accordance with the template set out in Annex XVI;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-127	1264
(d) the annual control report referred to in Article 71(3)(b) in accordance with the	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-128	1265

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
template set out in Annex XVII.					
2. The deadline referred to in paragraph 1 may exceptionally be extended by the Commission to 1 March, upon communication by the Member State concerned.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-129	1266
3. The accounts shall include at the level of each priority and, where applicable, fund and category of region:	<i>[no change]</i>	3. The accounts shall include at the level of each priority and, where applicable, fund and, <b>where relevant</b> , category of region:	<i>Provisional common understanding</i>  3. The accounts shall include at the level of each priority and, where applicable, fund and, <b>where relevant</b> , category of region:	VI-130	1267
(a) the total amount of eligible expenditure entered into the accounting systems of the body carrying out the accounting function which has been included in the final payment application for the accounting year and the total amount of the corresponding public contribution paid or to be paid;	<i>[no change]</i>	(a) the total amount of eligible expenditure entered into the accounting systems of the body carrying out the accounting function which has been included in the final payment application for the accounting year and the total amount of the corresponding public contribution <del>paid</del> <b>made</b> or to be <del>paid</del> <b>made</b> ;	<i>Provisional common understanding</i>  (a) the total amount of eligible expenditure entered into the accounting systems of the body carrying out the accounting function which has been included in the final payment application for the accounting year and the total amount of the corresponding public contribution <del>paid</del> <b>made linked to specific objectives for which enabling conditions are fulfilled and operations linked to specific objectives for which enabling conditions are not fulfilled but contribute to the fulfilment of enabling conditions</b> ;	VI-131	1268
(b) the amounts withdrawn during the accounting year;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-132	1269

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
(c) the amounts of public contribution paid to each financial instrument;	[no change]	(c) the amounts of public contribution paid to <del>each financial instrument</del> <b>instruments</b> ;	Provisional common understanding  (c) the amounts of public contribution paid to <del>each financial instrument</del> <b>instruments</b> ;	VI-133	1270
(d) for each priority, an explanation on any differences between the amounts declared pursuant to point (a) and the amounts declared in payment applications for the same accounting year.	[no change]	[no change]	Provisional common understanding  [no change]	VI-134	1271
			Provisional common understanding  <b>(3a) The assurance package shall not concern the total amount of eligible expenditure incurred by beneficiaries and paid in implementing operations and corresponding public contribution made or to be made linked to specific objectives for which enabling conditions are not fulfilled with the exception of operations that contribute to the fulfilment of enabling conditions.</b>	VI-134a	1272
4. The accounts shall not be admissible if Member States have not undertaken the necessary corrections to reduce the residual risk on the legality and regularity of the expenditure included in the accounts to less than 2 %.	[no change]	4. The accounts shall not be admissible if Member States have not undertaken the necessary corrections to reduce the residual <del>risk</del> <b>error rate</b> on the legality and regularity of the expenditure included in the accounts to less than 2 %.	Provisional common understanding  4. The accounts shall not be admissible if Member States have not undertaken the necessary corrections to reduce the residual <del>risk</del> <b>error rate</b> on the legality and regularity of the expenditure included in the accounts to less than 2 %.	VI-135	1273
5. Member States shall in particular deduct	[no change]	[no change]	Provisional common understanding	VI-136	1274

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
from the accounts:			[no change]		
(a) the irregular expenditure which has been subject to financial corrections in accordance with Article 97;	[no change]	[no change]	Provisional common understanding [no change]	VI-137	1275
(b) the expenditure which is subject to an ongoing assessment of its legality and regularity;	[no change]	[no change]	Provisional common understanding [no change]	VI-138	1276
(c) other amounts as necessary to reduce to 2 % the residual error rate of the expenditure declared in the accounts.	[no change]	[no change]	Provisional common understanding [no change]	VI-139	1277
The Member State may include expenditure under point (b) of the first sub-paragraph in a payment application in subsequent accounting years once its legality and regularity is confirmed.	[no change]	[no change]	Provisional common understanding [no change]	VI-140	1278
6. The Member State may replace irregular amounts which it has detected after the submission of the accounts by making the corresponding adjustments in the accounts for the accounting year in which the irregularity is detected, without prejudice to Article 98.	[no change]	[no change]	Provisional common understanding  6. The Member State may <del>replace</del> <b>correct</b> irregular amounts which it has detected after the submission of the accounts <b>in which the amounts were included</b> by making the corresponding adjustments <del>in the accounts</del> <b>for</b> the accounting year in which the irregularity is detected, without prejudice to Article 98.	VI-141	1279
7. As part of the assurance package, the Member State shall submit for the last accounting year the final performance report referred to in Article 38 or the last	[no change]	7. As part of the assurance package, the Member State shall submit for the last accounting year the final performance report referred to in Article 38 <del>or the last</del>	Provisional common understanding  7. As part of the assurance package, the Member State shall submit for the last accounting year the final performance	VI-142	1280

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
annual implementation report for the EMFF, the AMIF, the ISF and the BMVI.		<del>annual implementation report for the EMFF, the AMIF, the ISF and the BMVI.</del>	report referred to in Article 38 or the last annual <del>implementation</del> <b>performance</b> report for the EMFF, the AMIF, the ISF and the BMVI.		
<i>Article 93</i> <i>Examination of accounts</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-143	1281
The Commission shall satisfy itself that the accounts are complete, accurate and true by 31 May of the year following the end of the accounting year unless Article 96 applies.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-144	1282
<i>Article 94</i> <i>Calculation of the balance</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-145	1283
1. When determining the amount chargeable to the Funds for the accounting year and the consequent adjustments in relation to the payments to the Member State, the Commission shall take into account:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-146	1284
(a) the amounts in the accounts referred to in point (a) of Article 95(2) and to which the co-financing rate for each priority is to be applied;	<i>[no change]</i>	(a) the amounts in the accounts referred to in point (a) of Article <del>95(2)</del> <b>92(3)</b> and to which the co-financing rate for each priority is to be applied;	<i>Provisional common understanding</i>  (a) the amounts in the accounts referred to in point (a) of Article <del>95(2)</del> <b>92(3)</b> and to which the co-financing rate for each priority is to be applied;	VI-147	1285
(b) the total amount of interim payments made by the Commission during that accounting year.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-148	1286

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
			<i>Provisional common understanding</i>  <b>(c) for the ERDF, the ESF+ the Cohesion Fund, the JTF and the EMFF, for the years 2021 and 2022, the amount of pre-financing.</b>		1286 A
2. Where there is an amount recoverable from the Member State, it shall be subject to a recovery order issued by the Commission which shall be executed, where possible, by offsetting against amounts due to the Member State in subsequent payments to the same programme. Such a recovery shall not constitute a financial correction and shall not reduce support from the Funds to the programme. The amount recovered shall constitute assigned revenue in accordance with Article [177(3)] of the Financial Regulation.	<i>[no change]</i>	2. Where there is an amount recoverable from the Member State, it shall be subject to a recovery order issued by the Commission which shall be executed, where possible, by offsetting against amounts due to the Member State in subsequent payments to the same programme. Such a recovery shall not constitute a financial correction and shall not reduce support from the Funds to the programme. The amount recovered shall constitute assigned revenue in accordance with Article [ <del>177</del> 21(3)] of the Financial Regulation.	<i>Provisional common understanding</i>  2. Where there is an amount recoverable from the Member State, it shall be subject to a recovery order issued by the Commission which shall be executed, where possible, by offsetting against amounts due to the Member State in subsequent payments to the same programme. Such a recovery shall not constitute a financial correction and shall not reduce support from the Funds to the programme. The amount recovered shall constitute assigned revenue in accordance with Article <del>177</del> 21(3) of the Financial Regulation.	VI-149	1287
<i>Article 95</i> <i>Procedure for the examination of accounts</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-150	1288
1. The procedure set out in Article 96 shall apply in either of the following cases:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-151	1289
(a) the audit authority has provided a qualified or adverse audit opinion due to reasons linked to the completeness, accuracy and veracity of the accounts;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-152	1290

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
(b) the Commission has evidence putting into question the reliability of an unqualified audit opinion.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-153	1291
2. In all other cases, the Commission shall calculate the amounts chargeable to the Funds in accordance with Article 94 and make the respective payments or recoveries before 1 July. That payment or recovery shall constitute the acceptance of accounts.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-154	1292
<i>Article 96</i> <i>Contradictory procedure for the examination of accounts</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-155	1293
1. If the audit authority provides an audit opinion which is qualified due to reasons linked to the completeness, accuracy and veracity of the accounts, the Commission shall ask the Member State to revise the accounts and to resubmit the documents referred to in Article 92(1) within one month.	<i>[no change]</i>	1. If the audit authority provides an audit opinion which is qualified <b>or adverse</b> due to reasons linked to the completeness, accuracy and veracity of the accounts, the Commission shall ask the Member State to revise the accounts and to resubmit the documents referred to in Article 92(1) within one month.	<i>Provisional common understanding</i>  1. If the audit authority provides an audit opinion which is qualified <b>or adverse</b> due to reasons linked to the completeness, accuracy and veracity of the accounts, the Commission shall ask the Member State to revise the accounts and to resubmit the documents referred to in Article 92(1) within one month.	VI-156	1294
Where by the time limit set out in the first sub-paragraph:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-157	1295
(a) the audit opinion is unqualified, Article 94 shall apply and the Commission shall pay any additional amount due or proceed to a recovery within two months;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-158	1296

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
(b) the audit opinion is still qualified or documents have not been re-submitted by the Member State, paragraphs 2, 3 and 4 shall apply.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-159	1297
2. If the audit opinion remains qualified due to reasons linked to the completeness, accuracy and veracity of the accounts or if the audit opinion remains unreliable, the Commission shall inform the Member State on the amount chargeable to the Funds for the accounting year.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-160	1298
3. Where the Member State agrees with this amount within one month, the Commission shall pay any additional amount due or proceed to a recovery in accordance with Article 94 within two months.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-161	1299
4. Where the Member State does not agree with the amount referred to in paragraph 2, the Commission shall establish the amount chargeable to the Funds for the accounting year. Such an act shall not constitute a financial correction and shall not reduce support from the Funds to the programme. The Commission shall pay any additional amount due or proceed to a recovery in accordance with Article 94 within two months.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-162	1300
5. With regard to the final accounting year, the Commission shall pay or recover the annual balance of the accounts for programmes supported by the ERDF, the	<i>[no change]</i>	5. With regard to the final accounting year, the Commission shall pay or recover the annual balance of the accounts for programmes supported by the ERDF, the	<i>Provisional common understanding</i>  5. With regard to the final accounting year, the Commission shall pay or	VI-163F	1301



<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
ESF+ and the Cohesion Fund no later than two months after the date of acceptance of the final performance report as referred to in Article 38.		<del>ESF+ and the Cohesion Fund</del> <b>Funds</b> no later than two months after the date of acceptance of the final performance report as referred to in Article 38.	recover the annual balance of the accounts for programmes supported by <b>the EMFF</b> , the ERDF, the ESF+ and the Cohesion Fund no later than two months after the date of acceptance of the final performance report as referred to in Article 38.		
5. With regard to the final accounting year, the Commission shall pay or recover the annual balance of the accounts for programmes supported by the ERDF, the ESF+, <b>the JTF</b> and the Cohesion Fund no later than two months after the date of acceptance of the final performance report as referred to in Article 38.	<i>[no change]</i>	5. With regard to the final accounting year, the Commission shall pay or recover the annual balance of the accounts for programmes supported by the <del>ERDF, the ESF+, the JTF and the Cohesion Fund</del> <b>Funds</b> no later than two months after the date of acceptance of the final performance report as referred to in Article 38.	<i>Provisional common understanding</i>  5. With regard to the final accounting year, the Commission shall pay or recover the annual balance of the accounts for programmes supported by <b>the EMFF</b> , the ERDF, the ESF+, the JTF and the Cohesion Fund no later than two months after the date of acceptance of the final performance report as referred to in Article 38.	IX-116	1302
CHAPTER III Financial corrections	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-164	1303
<i>Article 97</i> <i>Financial corrections by Member States</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-165	1304
1. Member States shall protect the Union budget and apply financial corrections by cancelling all or part of the support from the Funds to an operation or programme when expenditure declared to the Commission is found to be irregular.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-166	1305
2. Financial corrections shall be recorded in the accounts for the accounting year in	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>	VI-167	1306

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
which the cancellation is decided.			<i>[no change]</i>		
3. The support from the Funds cancelled may be reused by the Member State within the programme concerned except for an operation that was subject of that correction or, where a financial correction is made for a systemic irregularity, for any operation affected by the systemic irregularity.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-168	1307
4. The Fund-specific rules for the EMFF may lay down specific bases for financial corrections by the Member States linked to non-compliance with rules applicable under the Common Fisheries Policy.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-169	1308
5. By way of derogation from paragraphs 1 to 3, in operations comprising financial instruments, a contribution cancelled in accordance with this Article, as a result of an individual irregularity, may be re-used within the same operation under the following conditions:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-170	1309
(a) where the irregularity that gives rise to the cancellation of the contribution is detected at the level of the final recipient: only for other final recipients within the same financial instrument;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-171	1310
(b) where the irregularity that gives rise to the cancellation of the contribution is detected at the level of the body implementing the specific fund, where a financial instrument is implemented	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-172	1311

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
through a structure with a holding fund, only for other bodies implementing specific funds.					
Where that irregularity that gives rise to the cancellation of the contribution is detected at the level of the body implementing the holding fund, or at the level of the body implementing the specific fund where a financial instrument is implemented through a structure without a holding fund, the contribution cancelled shall not be reused within the same operation.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VI-173	1312
Where a financial correction is made for a systemic irregularity, the contribution cancelled shall not be reused for any operation affected by the systemic irregularity.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VI-174	1313
6. The bodies implementing financial instrument shall reimburse to Member States programme contributions affected by irregularities, together with interest and any other gains generated by those contributions.	<i>[no change]</i>	6. The bodies implementing financial <del>instrument</del> <b>instruments</b> shall reimburse to Member States programme contributions affected by irregularities, together with interest and any other gains generated by those contributions.	Provisional common understanding  6. The bodies implementing financial <del>instrument</del> <b>instruments</b> shall reimburse to Member States programme contributions affected by irregularities, together with interest and any other gains generated by those contributions.	VI-175	1314
The bodies implementing financial instruments shall not reimburse to Member States the amounts referred to in the first subparagraph provided that those bodies demonstrate for a given irregularity that the following cumulative conditions are	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VI-176	1315

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
fulfilled:					
(a) the irregularity occurred at the level of final recipients or, in the case of a holding fund, at the level of bodies implementing specific funds or final recipients;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-177	1316
(b) the bodies implementing financial instruments performed their obligations, in relation to the programme contributions affected by the irregularity, in accordance with applicable law and acted with the degree of professional care, transparency and diligence expected from a professional body experienced in implementing financial instruments;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-178	1317
(c) the amounts affected by the irregularity could not be recovered notwithstanding that the bodies implementing financial instruments pursued all applicable contractual and legal measures with due diligence.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-179	1318
<i>Article 98</i> <i>Financial corrections by the Commission</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-180	1319
1. The Commission shall make financial corrections by reducing support from the Funds to a programme where it concludes that:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-181	1320
(a) there is a serious deficiency which has put at risk the support from the Funds already paid to the programme;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-182	1321

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
(b) expenditure contained in accepted accounts is irregular and was not detected and reported by the Member State;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-183	1322
(c) the Member State has not complied with its obligations under Article 91 prior to the opening of the financial correction procedure by the Commission.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-184	1323
Where the Commission applies flat-rate or extrapolated financial corrections, this shall be carried out in accordance with Annex XXI.	<i>[no change]</i>	Where the Commission applies flat-rate or extrapolated financial corrections, this shall be carried out in accordance with Annex XXI.	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-185  <i>Link to recital (57)</i>	1324
2. Before taking a decision on a financial correction, the Commission shall inform the Member State of its conclusions and give the Member State the opportunity to present its observations within two months.	<i>[no change]</i>	2. Before taking a decision on a financial correction, the Commission shall inform the Member State of its conclusions and give the Member State the opportunity to present its observations <del>within two months</del> <b>and to demonstrate that the actual extent of irregularity is less than the Commission's assessment within two months. The deadline can be extended if mutually agreed.</b>	<i>Provisional common understanding</i>  2. Before taking a decision on a financial correction, the Commission shall inform the Member State of its conclusions and give the Member State the opportunity to present, <b>within two months</b> , its observations <del>within two months</del> <b>and to demonstrate that the actual extent of irregularity is less than the Commission's assessment. The deadline can be extended if mutually agreed.</b>	VI-186	1325
3. Where the Member State does not accept the conclusions of the Commission, the Member State shall be invited to a hearing by the Commission, in order to ensure that all relevant information and observations are available to form the basis for Commission conclusions on the	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-187	1326

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
application of the financial correction.					
4. The Commission shall decide on a financial correction by means of an implementing act within 12 months of the hearing or from submission of additional information as required by the Commission.	<i>[no change]</i>	4. The Commission shall decide on a financial correction <b>taking into account the extent and financial implications of the irregularities or serious deficiencies</b> , by means of an implementing act within <del>12</del> <b>9</b> months of the <b>date of the hearing or from</b> of the submission of additional information as required by the Commission.	<i>Provisional common understanding</i> 4. The Commission shall decide on a financial correction <b>taking into account the extent, the frequency and financial implications of the irregularities or serious deficiencies</b> , by means of an implementing act within <del>12</del> <b>10</b> months of the <b>date of the hearing or from</b> of the submission of additional information as required by the Commission.	VI-188	1327
When deciding on a financial correction, the Commission shall take account of all information and observations submitted.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-189	1328
Where a Member States agrees to the financial correction for cases referred to in points (a) and (c) of paragraph 1 before the adoption of the decision referred to in paragraph 1, the Member State may reuse the amounts concerned. This possibility shall not apply to financial correction for cases referred to in (b) of paragraph 1.	<i>[no change]</i>	Where a Member States agrees to the financial correction for cases referred to in points (a) and (c) of paragraph 1 before the adoption of the decision referred to in paragraph 1, the Member State may reuse the amounts concerned. This possibility shall not apply to financial correction for cases referred to in (b) of paragraph 1.	<i>Provisional common understanding</i> Where a Member States agrees to the financial correction for cases referred to in points (a) and (c) of paragraph 1 before the adoption of the decision referred to in paragraph 1, the Member State may reuse the amounts concerned. This possibility shall not apply to financial correction for cases referred to in (b) of paragraph 1.	VI-190	1329
5. The Fund-specific rules for the EMFF may lay down specific bases for financial corrections by the Commission linked to non-compliance with rules applicable under the Common Fisheries Policy.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VI-191	1330

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
<b>6. The Fund-specific rules for the JTF may lay down specific bases for financial corrections by the Commission linked to the under-achievement of targets established for the JTF.</b>	<del>6. The Fund-specific rules for the JTF may lay down specific bases for financial corrections by the Commission linked to the under-achievement of targets established for the JTF.</del>	[no change]	Provisional common understanding  [no change]  Comment: to be checked with the outcome of the JTF negotiations, and aligned if need be	IX-118	1331
CHAPTER IV Decommitment	[no change]	[no change]	Provisional common understanding  [no change]	VI-192	1332
Article 99 Decommitment principles and rules	[no change]	[no change]	Provisional common understanding  [no change]	VI-193	1333
1. The Commission shall decommit any amount in a programme which has not been used for pre-financing in accordance with Article 84 or for which a payment application has not been submitted in accordance with Articles 85 and 86 by 26 December of the second calendar year following the year of the budget commitments for the years 2021 to 2026.	<u>Amendment 323</u> 1. The Commission shall decommit any amount in a programme which has not been used for pre-financing in accordance with Article 84 or for which a payment application has not been submitted in accordance with Articles 85 and 86 by <del>26</del> <b>31</b> December of the <del>second</del> <b>third</b> calendar year following the year of the budget commitments for the years 2021 to 2026.	1. The Commission shall decommit any amount in a programme which has not been used for pre-financing in accordance with Article 84 or for which a payment application has not been submitted in accordance with Articles 85 and 86 by <del>26</del> <b>31</b> December of the <del>second</del> <b>third</b> calendar year following the year of the budget commitments for the years 2021 to 2026.	Provisional common understanding  1. The Commission shall decommit any amount in a programme which has not been used for pre-financing in accordance with Article 84 or for which a payment application has not been submitted in accordance with Articles 85 and 86 by <del>26</del> <b>31</b> December of the <del>second</del> <b>third</b> calendar year following the year of the budget commitments for the years 2021 to 2026.	VI-194	1334
2. The amount to be covered by pre-financing or payment applications by the time limit established in paragraph 1 concerning the budget commitment of 2021 shall be 60 % of that commitment. 10 % of the budget commitment of 2021	<u>Amendment 324</u> 2. The amount to be covered by pre-financing or payment applications by the time limit established in paragraph 1 concerning the budget commitment of	<del>2. The amount to be covered by pre-financing or payment applications by the time limit established in paragraph 1 concerning the budget commitment of 2021 shall be 60 % of that commitment. 10 % of the budget commitment of 2021</del>	Provisional common understanding  2. The amount to be covered by pre-financing or payment applications by the time limit established in paragraph 1 concerning the budget commitment of	VI-195	1335

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
shall be added to each budget commitment for the years 2022 to 2025 for the purposes of calculating the amounts to be covered.	<del>2021 shall be 60 % of that commitment. 10 % of the budget commitment of 2021 shall be added to each budget commitment for the years 2022 to 2025 for the purposes of calculating the amounts to be covered.</del>	<del>shall be added to each budget commitment for the years 2022 to 2025 for the purposes of calculating the amounts to be covered.</del>	<del>2021 shall be 60 % of that commitment. 10 % of the budget commitment of 2021 shall be added to each budget commitment for the years 2022 to 2025 for the purposes of calculating the amounts to be covered.</del>		
3. The part of commitments still open on 31 December 2029 shall be decommitted if the assurance package and the final performance report for programmes supported by the ESF+, the ERDF and the Cohesion Fund have not been submitted to the Commission by the time limit set out in Article 38(1).	<u>Amendment 325</u> 3. The part of commitments still open on 31 December <del>2029</del> <b>2030</b> shall be decommitted if the assurance package and the final performance report for programmes supported by the ESF+, the ERDF and the Cohesion Fund have not been submitted to the Commission by the time limit set out in Article 38(1).	3. The part of commitments still open on 31 December 2029 shall be decommitted if the assurance package and the final performance report for programmes supported by the ESF+, the ERDF and the Cohesion Fund have not been submitted to the Commission by the time limit set out in Article 38(1).	<i>Provisional common understanding</i> 3. The part of commitments still open on 31 December [2029] shall be decommitted if the assurance package and the final performance report for programmes supported by <b>the EMFF</b> , the ESF+, the ERDF and the Cohesion Fund have not been submitted to the Commission by the time limit set out in Article 38(1).	VI-196F	1336
3. The part of commitments still open on 31 December 2029 shall be decommitted if the assurance package and the final performance report for programmes supported by the ESF+, the ERDF, the Cohesion Fund and <b>the JTF</b> have not been submitted to the Commission by the time limit set out in Article 38(1).	3. The part of commitments still open on 31 December <del>2029</del> <b>2030</b> shall be decommitted if the assurance package and the final performance report for programmes supported by the ESF+, the ERDF, the Cohesion Fund and the JTF have not been submitted to the Commission by the time limit set out in Article 38(1).	3. The part of commitments still open on 31 December 2029 shall be decommitted if the assurance package and the final performance report for programmes supported by the ESF+, the ERDF, the Cohesion Fund and the JTF have not been submitted to the Commission by the time limit set out in Article 38(1).	<i>Provisional common understanding</i> 3. The part of commitments still open on 31 December 2029 shall be decommitted if the assurance package and the final performance report for programmes supported by <b>the EMFF</b> , the ESF+, the ERDF, the Cohesion Fund and the JTF have not been submitted to the Commission by the time limit set out in Article 38(1).	IX-120	1337
<i>Article 100</i> <i>Exceptions to the decommitment rules</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VI-197	1338
1. The amount concerned by decommitment shall be reduced by the	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>	VI-198	1339



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
amounts equivalent to that part of the budget commitment for which:			[no change]		
(a) the operations are suspended by a legal proceeding or by an administrative appeal having suspensory effect; or	[no change]	[no change]	Provisional common understanding [no change]	VI-199	1340
(b) it has not been possible to make a payment application for reasons of <i>force majeure</i> seriously affecting implementation of all or part of the programme.	[no change]	[no change]	Provisional common understanding [no change]	VI-200	1341
	Amendment 326  <i>(ba) it has not been possible to make a timely payment application because of delays at Union level in setting up the legal and administrative framework for the funds for the 2021-2027 period.</i>		Provisional common understanding [EP amendment covered in recital on row 94A]	VI-201	1342
The national authorities claiming <i>force majeure</i> shall demonstrate the direct consequences of the <i>force majeure</i> on the implementation of all or part of the programme.	[no change]	[no change]	Provisional common understanding [no change]	VI-202	1343
2. By 31 January, the Member State shall send to the Commission information on the exceptions referred to in points (a) and (b) of paragraph 1 for the amount to be declared by 26 December.	[no change]	2. By 31 January, the Member State shall send to the Commission information on the exceptions referred to in points (a) and (b) of paragraph 1 for the amount to be declared by <del>26</del> 31 December.	Provisional common understanding 2. By 31 January, the Member State shall send to the Commission information on the exceptions referred to in points (a) and (b) of paragraph 1 for the amount to be declared by <del>26</del> 31 December.	VI-203	1344
<i>Article 101 Procedure for decommitment</i>	[no change]	[no change]	Provisional common understanding	VI-204	1345

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<i>[no change]</i>		
1. On the basis of the information it has received as of 31 January, the Commission shall inform the Member State of the amount of the decommitment resulting from that information.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VI-205	1346
2. The Member State shall have one month to agree to the amount to be decommitted or to submit its observations.	<u>Amendment 327</u>  2. The Member State shall have <del>one month</del> <b>two months</b> to agree to the amount to be decommitted or to submit its observations.	<i>[no change]</i>	Provisional common understanding  2. The Member State shall have <del>one month</del> <b>two months</b> to agree to the amount to be decommitted or to submit its observations.	VI-206	1347
3. By 30 June, the Member State shall submit to the Commission a revised financing plan reflecting, for the calendar year concerned, the reduced amount of support over one or more priorities of the programme. For programmes supported by more than one Fund, the amount of support shall be reduced by Fund proportionately to the amounts concerned by the decommitment that had not been used in the calendar year concerned.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VI-207	1348
In the absence of such submission, the Commission shall revise the financing plan by reducing the contribution from the Funds for the calendar year concerned. That reduction shall be allocated to each priority proportionately to the amounts concerned by the decommitment that had not been used in the calendar year concerned.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VI-208	1349

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
4. The Commission shall amend the decision approving the programme no later than 31 October.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VI-209	1350
TITLE VIII FINANCIAL FRAMEWORK	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VIII-1	1351
<i>Article 102</i> <i>Geographical coverage of support for the Investment for jobs and growth goal</i>	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VIII-2	1352
1. The ERDF, the ESF+ and the Cohesion Fund shall support the Investment for jobs and growth goal in all regions corresponding to level 2 of the common classification of territorial units for statistics ('NUTS level 2 regions') established by Regulation (EC) No 1059/2003 as amended by Commission Regulation (EC) No 868/2014.	<u>Amendment 328</u>  1. The ERDF, the ESF+ and the Cohesion Fund shall support the Investment for jobs and growth goal in all regions corresponding to level 2 of the common classification of territorial units for statistics ('NUTS level 2 regions') established by Regulation (EC) No 1059/2003 as amended by Commission Regulation (EC) No <del>868/2014</del> <b>2016/2066</b> .	1. The ERDF, the ESF+ and the Cohesion Fund shall support the Investment for jobs and growth goal in all regions corresponding to level 2 of the common classification of territorial units for statistics ('NUTS level 2 regions') established by Regulation (EC) No 1059/2003 as amended by Commission Regulation (EC) No <del>868/2014</del> <b>2016/2066</b> <sup>97</sup> .	Provisional common understanding  1. The ERDF, the ESF+ and the Cohesion Fund shall support the Investment for jobs and growth goal in all regions corresponding to level 2 of the common classification of territorial units for statistics ('NUTS level 2 regions') established by Regulation (EC) No 1059/2003 as amended by Commission Regulation (EC) No <del>868/2014</del> <b>2016/2066</b> <sup>98</sup> .	VIII-3	1353
2. Resources from the ERDF and ESF+ for the Investment for jobs and growth goal shall be allocated among the following three categories of NUTS level 2 regions:	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VIII-4	1354
(a) less developed regions, whose GDP per	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding	VIII-5	1355

<sup>97</sup> Commission Regulation (EU) 2016/2066 of 21 November 2016 amending the annexes to Regulation (EC) No 1059/2003 of the European Parliament and of the Council on the establishment of a common classification of territorial units for statistics (NUTS).

<sup>98</sup> Commission Regulation (EU) 2016/2066 of 21 November 2016 amending the annexes to Regulation (EC) No 1059/2003 of the European Parliament and of the Council on the establishment of a common classification of territorial units for statistics (NUTS).

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
<i>capita</i> is less than 75 % of the average GDP of the EU-27 ('less developed regions');			[no change]		
(b) transition regions, whose GDP <i>per capita</i> is between 75 % and 100% of the average GDP of the EU-27 ('transition regions');	[no change]	[no change]	Provisional common understanding [no change]	VIII-6	1356
(c) more developed regions, whose GDP <i>per capita</i> is above 100 % of the average GDP of the EU-27 ('more developed regions').	[no change]	[no change]	Provisional common understanding [no change]	VIII-7	1357
The classification of regions under one of the three categories of regions shall be determined on the basis of how the GDP <i>per capita</i> of each region, measured in purchasing power standards ('PPS') and calculated on the basis of Union figures for the period 2014-2016, relates to the average GDP of the EU-27 for the same reference period.	[no change]	The classification of regions under one of the three categories of regions shall be determined on the basis of how the GDP <i>per capita</i> of each region, measured in purchasing power standards ('PPS') and calculated on the basis of Union figures for the period <del>2014-2016</del> <b>2015-2017</b> , relates to the average GDP of the EU-27 for the same reference period.	Provisional common understanding The classification of regions under one of the three categories of regions shall be determined on the basis of how the GDP <i>per capita</i> of each region, measured in purchasing power standards ('PPS') and calculated on the basis of Union figures for the period <del>2014-2016</del> <b>2015-2017</b> , relates to the average GDP of the EU-27 for the same reference period.	VIII-8	1358
3. The Cohesion Fund shall support those Member States whose GNI <i>per capita</i> , measured in PPS and calculated on the basis of Union figures for the period 2014-2016, is less than 90 % of the average GNI <i>per capita</i> of the EU-27 for the same reference period.	[no change]	3. The Cohesion Fund shall support those Member States whose GNI per capita, measured in PPS and calculated on the basis of Union figures for the period <del>2014-2016</del> <b>2015-2017</b> , is less than 90 % of the average GNI per capita of the EU-27 for the same reference period.	Provisional common understanding 3. The Cohesion Fund shall support those Member States whose GNI per capita, measured in PPS and calculated on the basis of Union figures for the period <del>2014-2016</del> <b>2015-2017</b> , is less than 90 % of the average GNI per capita of the EU-27 for the same reference period.	VIII-9	1359

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
4. The Commission shall adopt a decision by means of implementing act setting out the list of regions fulfilling the criteria of one of the three categories of regions and of Member States fulfilling the criteria of paragraph 3. That list shall be valid from 1 January 2021 to 31 December 2027.	[no change]	[no change]	Provisional common understanding  [no change]	VIII-10	1360
<i>Article 103 Resources for economic, social and territorial cohesion</i>	[no change]	[no change]	Provisional common understanding  [no change]	VIII-11	1361
1. The resources for economic, social and territorial cohesion available for budgetary commitment for the period 2021-2027 shall be EUR 330 624 388 630 in 2018 prices.	<u>Amendment 329</u>  1. The resources for economic, social and territorial cohesion available for budgetary commitment for the period 2021-2027 shall be EUR <del>330 624 388 630</del> <b>330 378 097 000 000 in 2018 prices.</b> <sup>99</sup>	1. The resources for economic, social and territorial cohesion available for budgetary commitment for the period 2021-2027 shall be EUR <del>330 624 388 630</del> <b>330 234 776 619</b> in 2018 prices.	Provisional common understanding  1. The resources for economic, social and territorial cohesion available for budgetary commitment for the period 2021-2027 <b>under the Multiannual Financial Framework</b> shall be EUR <del>330 624 388 630</del> <b>330 234 776 621</b> in 2018 prices <b>for the ERDF, ESF+ and the Cohesion Fund, and EUR 7.500.000.000 for the JTF.</b>  <b>The resources referred to in the first sub-paragraph shall be completed by an amount of EUR 10 000 000 000 in 2018 prices for measures referred to in Article 1(2) of Regulation [ERI] for the purposes of the Regulation (EU) [JTF Regulation]. This amount shall constitute external assigned revenue in accordance with Article 21(5) of the</b>	VIII-12	1362

<sup>99</sup> EP position: This amendment aims to reinstate an amount equivalent to that available for the 2014-2020 period, with the necessary increases, in line with the EP position on the MFF proposal for 2021-2027. It will require consequential adjustments to the calculations in Annex XXII.

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<b>Financial Regulation.</b>		
For the purposes of programming and subsequent inclusion in the budget of the Union, that amount shall be indexed at 2 % per year.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  For the purposes of programming and subsequent inclusion in the budget of the Union, <del>that</del> amounts referred to in the <b>first and second subparagraphs</b> shall be indexed at 2 % per year.	VIII-13	1363
2. The Commission shall adopt a decision, by means of implementing act, setting out the annual breakdown of the global resources per Member State under the Investment for jobs and growth goal, per category of regions, together with the list of eligible regions in accordance with the methodology set out in Annex XXII.	<u>Amendment 330</u>  2.The Commission shall adopt a decision, by means of implementing act, setting out the annual breakdown of the global resources per Member State under the Investment for jobs and growth goal, per category of regions, together with the list of eligible regions in accordance with the methodology set out in Annex XXII. <b><i>The minimum overall allocation from the Funds, at national level, should be equal to 76% of the budget allocated to each Member State or region over the 2014-2020 period.</i></b>	<i>[no change]</i>	<i>Provisional common understanding</i>  2. The Commission shall adopt a decision, by means of implementing act, setting out the annual breakdown of the global resources <b>for the ERDF, ESF+ and the Cohesion Fund</b> per Member State under the Investment for jobs and growth goal, per category of regions, together with the list of eligible regions in accordance with the methodologies set out in Annex XXII.	VIII-14	1364
That decision shall also set out the annual breakdown of the global resources per Member State under the European territorial cooperation goal (Interreg).	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VIII-15	1365
	<u>Amendment 429</u>  <b><i>Without prejudice to the national allocations for the Member States, funding for regions, which are downgraded in category for the 2021-</i></b>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>  <i>[EP Amendment covered by new recital in row 101a]</i>	VIII-16	1366

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>2027 period, shall be maintained at the level of 2014-2020 allocations.</i>				
	<u>Amendment 331</u>  <i>In view of the particular importance of cohesion funding for cross-border and transnational cooperation, and for the outermost regions, the eligibility criteria for such funding should be no less favourable than in the 2014-2020 period, and ensure maximum continuity with existing programmes.<sup>100</sup></i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>  <i>[EP Amendment covered by provisional common understanding on methodology of allocations (see row VIII-68)]</i>	VIII-17	1367
3. 0,35 % of the global resources after the deduction of the support to the CEF referred to in Article 104(4), shall be allocated to technical assistance at the initiative of the Commission.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  3. 0,35 % of the global resources <b>referred to in the first and second subparagraphs of paragraph 1</b> , after the deduction of the support to the CEF referred to in Article 104(4), shall be allocated to technical assistance at the initiative of the Commission.	VIII-18	1368
<i>Article 104</i> <i>Resources for the Investment for jobs and growth goal and for the European territorial cooperation goal (Interreg)</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VIII-19	1369
1. Resources for the Investment for jobs and growth goal shall amount to 97.5 % of the global resources (i.e., a total of EUR 322 194 388 630) and shall be	<u>Amendment 332</u>  1. Resources for the Investment for jobs and growth goal shall amount to <del>97.5</del> <b>97</b> % of the global resources, (i.e., a total of	1. Resources for the Investment for jobs and growth goal shall amount to <del>97.5</del> <b>97.6</b> % of the global resources (i.e., a total of EUR <del>322 194 388 630</del> <b>329 784 776</b>	<i>Provisional common understanding</i>  1. Resources for the Investment for jobs and growth goal <b>under the Multiannual Financial Framework</b> shall amount to	VIII-20	1370

<sup>100</sup> EP position: This amendment will require consequential adjustments to the calculations in Annex XXII.

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
allocated as follows:	EUR <del>322 194 388 630</del> <b>366 754 000 000</b> (in 2018 prices). Out of this amount, EUR 5 900 000 000 shall be allocated to the Child Guarantee from the resources under the ESF+. The remaining envelope of EUR 360 854 000 000 (in 2018 prices) shall be allocated as follows:	<b>621</b> ) and shall be allocated as follows:	<del>97.5</del> <b>97.6</b> % of the global resources (i.e., a total of EUR <del>322 194 388 630</del> <b>329 684 776 621</b> ) and shall be allocated as follows:		
(a) 61.6 % (i.e a total of EUR 198 621 593 157) for less developed regions;	<u>Amendment 333</u> (a) 61.6 % (i.e a total of EUR <del>198 621 593 157</del> <b>222 453 894 000</b> ) for less developed regions;	(a) <del>61.6</del> <b>61.3</b> % (i.e a total of EUR <del>198 621 593 157</del> <b>202 299 418 382</b> ) for less developed regions;	<i>Provisional common understanding</i> (a) <del>61.6</del> <b>61.3</b> % (i.e a total of EUR <del>198 621 593 157</del> <b>202 226 984 629</b> ) for less developed regions;	VIII-21	1371
(b) 14.3 % (i.e a total of EUR 45 934 516 595) for transition regions;	<u>Amendment 334</u> (b) 14.3 % (i.e a total of EUR <del>45 934 516 595</del> <b>51 446 129 000</b> ) for transition regions;	(b) <del>14.3</del> <b>14.5</b> % (i.e a total of EUR <del>45 934 516 595</del> <b>47 788 925 308</b> ) for transition regions;	<i>Provisional common understanding</i> (b) <del>14.3</del> <b>14.5</b> % (i.e a total of EUR <del>45 934 516 595</del> <b>47 771 802 082</b> ) for transition regions;	VIII-22	1372
(c) 10.8 % (i.e., a total of EUR 34 842 689 000) for more developed regions;	<u>Amendment 335</u> (c) 10.8 % (i.e., a total of EUR <del>34 842 689 000</del> <b>39 023 410 000</b> ) for more developed regions;	(c) <del>10.8</del> <b>8.3</b> % (i.e., a total of EUR <del>34 842 689 000</del> <b>27 212 434 312</b> ) for more developed regions;	<i>Provisional common understanding</i> (c) <del>10.8</del> <b>8.3</b> % (i.e., a total of EUR <del>34 842 689 000</del> <b>27 202 682 372</b> ) for more developed regions;	VIII-23	1373
(d) 12.8 % (i.e., a total of EUR 41 348 556 877) for Member States supported by the Cohesion Fund;	<u>Amendment 336</u> (d) 12.8 % (i.e., a total of EUR <del>41 348 556 877</del> <b>46 309 907 000</b> ) for Member States supported by the Cohesion Fund;	(d) <del>12.8</del> <b>12.9</b> % (i.e., a total of EUR <del>41 348 556 877</del> <b>42 555 570 217</b> ) for Member States supported by the Cohesion Fund;	<i>Provisional common understanding</i> (d) <del>12.8</del> <b>12.9</b> % (i.e., a total of EUR <del>41 348 556 877</del> <b>42 555 570 217</b> ) for Member States supported by the Cohesion Fund;	VIII-24	1374
(e) 0.4 % (i.e., a total of EUR 1 447 034 001) as additional funding for the outermost regions identified in Article 349 of the TFEU and the NUTS	<u>Amendment 337</u> (e) 0.4 % (i.e., a total of EUR <del>1 447 034 001</del> <b>1 620 660 000</b> ) as additional funding	(e) <del>0.4</del> <b>0.6</b> % (i.e., a total of EUR <del>1 447 034 001</del> <b>1 928 428 402</b> ) as additional funding for the outermost regions identified in Article 349 of the	<i>Provisional common understanding</i> (e) <del>0.4</del> <b>0.6</b> % (i.e., a total of EUR <del>1 447 034 001</del> <b>1 927 737 321</b> ) as	VIII-25	1375



<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
level 2 regions fulfilling the criteria laid down in Article 2 of Protocol No 6 to the 1994 Act of Accession.	for the outermost regions identified in Article 349 of the TFEU and the NUTS level 2 regions fulfilling the criteria laid down in Article 2 of Protocol No 6 to the 1994 Act of Accession.	TFEU and the NUTS level 2 regions fulfilling the criteria laid down in Article 2 of Protocol No 6 to the 1994 Act of Accession.	additional funding for the outermost regions identified in Article 349 of the TFEU and the NUTS level 2 regions fulfilling the criteria laid down in Article 2 of Protocol No 6 to the 1994 Act of Accession.		
		<b>(f) 0.2% (i.e., a total of EUR 500 000 000) for interregional innovation investments;</b>	<i>Provisional common understanding</i> <b>(f) 0.2% (i.e., a total of EUR 500 000 000) for interregional innovation investments;</b>	VIII-26	1376
		<b>(g) 2.3 % (i.e., a total of EUR 7 500 000 000) for the Just Transition Fund.</b>	<i>Provisional common understanding</i> <b>(g) 2.3 % (i.e., a total of EUR 7 500 000 000) for the Just Transition Fund.</b>	VIII-27	1377
2. In 2024, the Commission shall, in its technical adjustment for the year 2025 in accordance with Article [6] of Regulation (EU, Euratom) [...] ( <i>MFF Regulation</i> ), review the total allocations under the Investment for jobs and growth goal of each Member State for 2025 to 2027.	<i>[no change]</i>	<del>2. In 2024, the Commission shall, in its technical adjustment for the year 2025 in accordance with Article [6] of Regulation (EU, Euratom) [...] (<i>MFF Regulation</i>), review the total allocations under the Investment for jobs and growth goal of each Member State for 2025 to 2027.</del>	<i>Provisional common understanding</i> <del>2. In 2024, the Commission shall, in its technical adjustment for the year 2025 in accordance with Article [6] of Regulation (EU, Euratom) [...] (<i>MFF Regulation</i>), review the total allocations under the Investment for jobs and growth goal of each Member State for 2025 to 2027.</del>	VIII-28	1378
The Commission shall in its review apply the allocation method set out in Annex XXII on the basis of the then available most recent statistics.	<i>[no change]</i>	<del>The Commission shall in its review apply the allocation method set out in Annex XXII on the basis of the then available most recent statistics.</del>	<i>Provisional common understanding</i> <del>The Commission shall in its review apply the allocation method set out in Annex XXII on the basis of the then available most recent statistics.</del>	VIII-29	1379
Following the technical adjustment, the	<i>[no change]</i>	<del>Following the technical adjustment, the</del>	<i>Provisional common understanding</i>	VIII-	1380

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
Commission shall amend the implementing act setting out a revised annual breakdown referred to in Article 103(2).		<del>Commission shall amend the implementing act setting out a revised annual breakdown referred to in Article 103(2).</del>	<del>Following the technical adjustment, the Commission shall amend the implementing act setting out a revised annual breakdown referred to in Article 103(2).</del>	30	
3. The amount of resources available for the ESF+ under the Investment for jobs and growth goal shall be EUR 88 646 194 590.	<u>Amendment 338</u> 3. The amount of resources available for the ESF+ <del>shall amount to 28,8 % of the resources</del> under the Investment for jobs and growth goal shall be (i.e., EUR 88 646 194 590 <del>105 686 000 000 in 2018 prices</del> ). <i>That does not include the financial envelope for the Employment and Social Innovation strand or the Health strand.</i>	3. The amount of resources available for the ESF+ under the Investment for jobs and growth goal shall be EUR <del>88 646 194 590</del> <b>87 319 331 843</b> .	<i>Provisional common understanding</i> 3. The amount of resources available for the ESF+ under the Investment for jobs and growth goal shall be EUR <del>88 646 194 590</del> <b>87 319 331 844</b> .	VIII-31	1381
The amount of additional funding for the outermost regions referred to in point (e) in paragraph 1 allocated to the ESF+ shall be EUR 376 928 934.	<u>Amendment 339</u> The amount of additional funding for the outermost regions referred to in point (e) in paragraph 1 allocated to the ESF+ shall <del>be correspond to 0,4 % of the resources referred to in the first subparagraph (i.e., EUR 376 928 934 424 296 054 in 2018 prices)</del> .	The amount of additional funding for the outermost <b>and northern sparsely populated</b> regions referred to in point (e) in paragraph 1 allocated to the ESF+ shall be EUR <del>376 928 934</del> <b>472 980 447</b> .	<i>Provisional common understanding</i> The amount of additional funding for the outermost <b>and northern sparsely populated</b> regions referred to in point (e) in paragraph 1 allocated to the ESF+ shall be EUR <del>376 928 934</del> <b>472 980 447</b> .	VIII-32	1382
4. The amount of support from the Cohesion Fund to be transferred to the CEF shall be EUR 10 000 000 000. It shall be spent for transport infrastructure projects by launching specific calls in accordance with Regulation (EU) [ <i>number of new CEF Regulation</i> ] exclusively in Member States eligible for funding from	<u>Amendment 340</u> 4. The amount of support from the Cohesion Fund to be transferred to the CEF shall be EUR <del>10 000 000 000</del> <b>4 000 000 000 in 2018 prices</b> . It shall be spent for transport infrastructure projects, <i>taking into account the investment</i>	[no change]	<i>Provisional common understanding</i> 4. The amount of support from the Cohesion Fund to be transferred to the CEF shall be EUR 10 000 000 000. It shall be spent for transport infrastructure projects, <i>taking into account the investment infrastructure needs of</i>	VIII-33	1383

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
the Cohesion Fund.	<i>infrastructure needs of Member States and regions</i> , by launching specific calls in accordance with Regulation (EU) [number of new CEF Regulation] exclusively in Member States eligible for funding from the Cohesion Fund.		<i>Member States and regions</i> , by launching specific calls in accordance with Regulation (EU) [number of new CEF Regulation] exclusively in Member States eligible for funding from the Cohesion Fund.		
The Commission shall adopt an implementing act, setting out the amount to be transferred from each Member State's Cohesion Fund allocation to the CEF, which amount shall be determined on a <i>pro rata</i> basis for the whole period.	[no change]	[no change]	Provisional common understanding [no change]	VIII-34	1384
The Cohesion Fund allocation of each Member State shall be reduced accordingly.	[no change]	[no change]	Provisional common understanding [no change]	VIII-35	1385
The annual appropriations corresponding to the support from the Cohesion Fund referred to in the first subparagraph shall be entered in the relevant budget lines of the CEF as of the 2021 budgetary exercise.	[no change]	[no change]	Provisional common understanding [no change]	VIII-36	1386
30% of the resources transferred to the CEF shall be available immediately after the transfer to all Member States eligible for funding from the Cohesion Fund to finance transport infrastructure projects in accordance with Regulation (EU) [ <i>the new CEF Regulation</i> ].	<u>Amendment 341</u> <del>30% of the resources transferred to the CEF shall be available immediately after the transfer to all Member States eligible for funding from the Cohesion Fund to finance transport infrastructure projects in accordance with Regulation (EU) [<i>the new CEF Regulation</i>].</del>	[no change]	Provisional common understanding [no change]	VIII-37	1387
Rules applicable for the transport sector under Regulation (EU) [ <i>new CEF Regulation</i> ] shall apply to the specific calls	<u>Amendment 342</u> Rules applicable for the transport sector	[no change]	Provisional common understanding	VIII-38	1388

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
referred to in the first subparagraph. Until 31 December 2023, the selection of projects eligible for financing shall respect the national allocations under the Cohesion Fund with regard to 70% of the resources transferred to the CEF.	under Regulation (EU) [new CEF Regulation] shall apply to the specific calls referred to in the first subparagraph. Until 31 December 2023, the selection of projects eligible for financing shall respect the national allocations under the Cohesion Fund <del>with regard to 70% of the resources transferred to the CEF.</del>		<i>[no change]</i>		
As of 1 January 2024, resources transferred to the CEF which have not been committed to a transport infrastructure project shall be made available to all Member States eligible for funding from the Cohesion Fund to finance transport infrastructure projects in accordance with Regulation (EU) [ <i>the new CEF Regulation</i> ].	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VIII-39	1389
			Provisional common understanding  <b>In order to support Member States eligible for funding from the Cohesion Fund, which may experience difficulties in designing projects that are of a sufficient maturity, quality, or both, and which have sufficient added value for the Union, particular attention shall be given to programme support actions aimed at strengthening institutional capacity and the efficiency of public administrations and public services in relation to the development and implementation of projects listed in Regulation (EU) [the new CEF</b>		1389a

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<p>Regulation].</p> <p><b>The Commission shall do its utmost to enable Member States eligible for funding from the Cohesion Fund to attain, by the end of the period 2021-2027, the highest possible absorption of the amount transferred to the CEF, including through the organisation of additional calls.</b></p> <p><b>Particular attention and support under the first and second subparagraph shall be given to those Member States whose GNI per capita, measured in PPS for the period 2015-2017, is less than 60 % of the average GNI per capita of the EU-27.</b></p> <p><b>Member States whose GNI per capita, measured in PPS for the period 2015-2017, is less than 60 % of the average GNI per capita of the EU-27 shall be guaranteed, until 1 January 2025, 70% of 70% of the amount they have transferred to the CEF.</b></p>		
<p>5. EUR 500 000 000 of the resources for the Investment for jobs and growth goal shall be allocated to the European Urban Initiative under direct or indirect management by the Commission.</p>	<p><u>Amendment 343</u></p> <p>5. EUR <del>500 000 000</del> <b>560 000 000 in 2018 prices</b> of the resources for the Investment for jobs and growth goal shall be allocated to the European Urban Initiative under direct or indirect management by the Commission.</p>	<p>5. EUR <del>500 000 000</del> <b>400 000 000</b> of the resources for the Investment for jobs and growth goal shall be allocated to the European Urban Initiative under direct or indirect management by the Commission.</p>	<p><i>Provisional common understanding</i></p> <p>5. EUR <del>500 000 000</del> <b>400 000 000</b> of the resources for the Investment for jobs and growth goal shall be allocated to the European Urban Initiative under direct or indirect management by the Commission.</p>	VIII-40	1390

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
6. EUR 175 000 000 of the ESF+ resources for the Investment for jobs and growth goal shall be allocated for transnational cooperation supporting innovative solutions under direct or indirect management.	<u>Amendment 344</u> 6. EUR <del>175 000 000</del> <b>196 000 000 in 2018 prices</b> of the ESF+ resources for the Investment for jobs and growth goal shall be allocated for transnational cooperation supporting innovative solutions under direct or indirect management.	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VIII-41	1391
		<b>6a. The amount referred to in point (f) of paragraph 1 shall be allocated from the ERDF resources under the Investment for jobs and growth goal for interregional innovative investments under direct or indirect management.</b>	<i>Provisional common understanding</i>  <b>6a. The amount referred to in point (f) of paragraph 1 shall be allocated from the ERDF resources under the Investment for jobs and growth goal for interregional innovative investments under direct or indirect management.</b>	VIII-42	1392
7. Resources for the European territorial cooperation goal (Interreg) shall amount to 2.5 % of the global resources available for budgetary commitment from the Funds for the period 2021-2027 (i.e. a total of EUR 8 430 000 000).	<u>Amendment 345</u> 7. Resources for the European territorial cooperation goal (Interreg) shall amount to <del>2.5 3</del> % of the global resources available for budgetary commitment from the Funds for the period 2021-2027 (i.e. a total of EUR <del>8 430 000 000</del> <b>11 343 000 000 in 2018 prices</b> ).	7. Resources for the European territorial cooperation goal (Interreg) shall amount to <del>2.5</del> <b>2.45</b> % of the global resources available for budgetary commitment from the Funds for the period 2021-2027 (i.e. a total of EUR <del>7 950 8 430</del> 000 000).	<i>Provisional common understanding</i>  7. Resources for the European territorial cooperation goal (Interreg) shall amount to <del>2.5</del> <b>2.45</b> % of the global resources available for budgetary commitment from the Funds for the period 2021-2027 (i.e. a total of EUR <del>8 430</del> <b>8 050</b> 000 000).  <i>Provisional common understanding on the consequential changes to <u>Annex XXII</u> as follows:</i>  15b. Notwithstanding paragraphs 10 to 13, additional allocations as set out in	VIII-43	1393

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			paragraphs 16 to 21 <del>0</del> shall apply.  [...]  <b>21. An additional EUR 100 million shall support cross-border cooperation. It shall complete the allocations of resources by Member States pursuant to the weighted criteria detailed in subparagraphs a and b of paragraph 8.</b>		
			<i>Provisional common understanding</i>  <b>8. The amount referred to in the second subparagraph of Article 103(1) shall be part of the resources for the Investments for Jobs and Growth goal.</b>		1393a
<i>Article 105</i> <i>Transferability of resources</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VIII-44	1394
1. The Commission may accept a proposal by a Member State in its submission of the Partnership Agreement or in the context of the mid-term review, for a transfer:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VIII-45	1395
(a) of not more than 15 % of the total allocations for less developed regions to transition regions or more developed regions and from transition regions to more developed regions;	<u>Amendment 346</u>  (a) of not more than <del>15</del> 5 % of the total allocations for less developed regions to transition regions or more developed regions and from transition regions to	<i>[no change]</i>	<i>Provisional common understanding</i>  (a) <b>adding up of</b> <del>not more than 15</del> 5 % of the <b>initial total</b> <del>total</del> allocations for less developed regions to transition regions or more developed regions and from transition regions to more developed	VIII-46	1396

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	more developed regions;		regions;  <b>By way of derogation from point (a) of paragraph 1, the Commission may accept an additional transfer of up to 10% of the total allocations for less developed regions to transition regions or more developed regions within those Member States whose GNI per capita, measured in PPS for the period 2015- 2017, is less than 90 % of the average GNI per capita of the EU-27. Resources of any additional transfer shall be used to contribute to the policy objectives referred to in points (a) and (b) of Article 4(1).</b>		
(b) from the allocations for more developed regions or transition regions to less developed regions.	<i>[no change]</i>	(b) from the allocations for more developed regions or transition regions to less developed regions <b>and from more developed regions to transition regions.</b>	<i>Provisional common understanding</i>  (b) from the allocations for more developed regions or transition regions to less developed regions <b>and from more developed regions to transition regions.</b>	VIII-47	1397
2. The total allocations to each Member State in respect of the Investment for jobs and growth goal and the European territorial cooperation goal (Interreg) shall not be transferable between those goals.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VIII-48	1398
		<b>3. By way of derogation from paragraph 2, the Commission may in order to uphold the effective</b>	<i>Provisional common understanding</i>  <b>3. By way of derogation from</b>	VIII-49	1399



Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		contribution of the Funds to the missions referred to in Article 4(2), in duly justified circumstances, and subject to the condition laid down in paragraph 4, accept by means of an implementing act a proposal by a Member State in its first submission of the Partnership Agreement to transfer a part of its appropriations for the European territorial cooperation goal to the Investment for growth and jobs goal.	paragraph 2, the Commission may in order to uphold the effective contribution of the Funds to the missions referred to in Article 4(2), in duly justified circumstances, and subject to the condition laid down in paragraph 4, accept by means of an implementing act a proposal by a Member State in its first submission of the Partnership Agreement to transfer a part of its appropriations for the European territorial cooperation goal to the Investment for growth and jobs goal.		
		<b>4. The share of the European territorial cooperation goal in the Member State making the proposal referred to in paragraph 3 shall be not less than 35 % of the total allocated to that Member State in respect of the Investment for growth and jobs goal and the European territorial cooperation goal, and after transfer shall be not less than 25 % of that total.</b>	<i>Provisional common understanding</i>  <b>4. The share of the European territorial cooperation goal in the Member State making the proposal referred to in paragraph 3 shall be not less than 35 % of the total allocated to that Member State in respect of the Investment for growth and jobs goal and the European territorial cooperation goal, and after transfer shall be not less than 25 % of that total.</b>	VIII-50	1400
<i>Article 106</i> <i>Determination of co-financing rates</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VIII-51	1401
1. The Commission decision approving a programme shall fix the co-financing rate and the maximum amount of support from	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding:</i>  <i>[no change]</i>	VIII-52	1402

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
the Funds for each priority.					
2. For each priority, the Commission decision shall set out whether the co-financing rate for the priority is to be applied to either of the following:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VIII-53	1403
(a) total contribution, including public and private contribution;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VIII-54	1404
(b) public contribution.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VIII-55	1405
3. The co-financing rate for the Investment for jobs and growth goal at the level of each priority shall not be higher than:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VIII-56	1406
(a) 70 % for the less developed regions;	<u><a href="#">Amendment 347</a></u>  (a) <del>70</del> <b>85</b> % for the less developed regions;	(a) <del>70</del> <b>85</b> % for the less developed regions;	<i>Provisional common understanding</i>  (a) <del>70</del> <b>85</b> % for the less developed regions;	VIII-57	1407
		<b>(a bis) 70% for transition regions that were classified as less developed regions in the 2014-2020 programming period;</b>	<i>Provisional common understanding</i>  <b>(a bis) 70% for transition regions that were classified as less developed regions in the 2014-2020 programming period;</b>	VIII-58	1408
(b) 55 % for the transition regions;	<u><a href="#">Amendment 348</a></u>  (b) <del>55</del> <b>65</b> % for the transition regions;	(b) <del>55</del> <b>60</b> % for the transition regions	<i>Provisional common understanding</i>  (b) <del>55</del> <b>60</b> % for the transition regions	VIII-59	1409
			<i>Provisional common understanding</i>  <b>(b bis) 50% for more developed</b>	VIII-59a	1410

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
			<b>regions that were transition regions or had a GDP per capita below 100% for the period 2014-2020;</b>		
(c) 40 % for the more developed regions.	<u>Amendment 349 and 447</u>  (c) <del>40</del> <b>50</b> % for the more developed regions.	[no change]	Provisional common understanding  [no change]	VIII-60	1411
The co-financing rates set out under point (a), shall also apply to outermost regions.	<u>Amendment 350</u>  The co-financing rates set out under point (a), shall also apply to outermost regions <b>and to the additional allocation for the outermost regions.</b>	[no change]	Provisional common understanding  The co-financing rates set out under point (a); shall also apply to <b>the</b> outermost regions, <b>including the additional allocation for the outermost regions.</b>	VIII-61	1412
The co-financing rate for the Cohesion Fund at the level of each priority shall not be higher than 70 %.	<u>Amendment 351</u>  The co-financing rate for the Cohesion Fund at the level of each priority shall not be higher than <del>70</del> <b>85</b> %.	[The co-financing rate for the Cohesion Fund at the level of each priority shall not be higher than 70 %.]		VIII-62F	1413
The co-financing rate for the Cohesion Fund at the level of each priority shall not be higher than 70 %.	The co-financing rate for the Cohesion Fund at the level of each priority, <b>as well as for the priority supported by the JTF</b> shall not be higher than <del>70</del> <b>85</b> %.	The co-financing rate for the Cohesion Fund at the level of each priority shall not be higher than <del>70</del> <b>85</b> %.	Provisional common understanding  The co-financing rate for the Cohesion Fund at the level of each priority shall not be higher than <del>70</del> <b>85</b> %.	IX-121a	1414
The ESF+ Regulation may establish higher co-financing rates for priorities supporting innovative actions in accordance with Article [14] of that Regulation.	<u>Amendment 352</u>  The ESF+ Regulation may <b>in duly justified cases</b> establish higher co-financing rates <b>of up to 90</b> %, for priorities supporting innovative actions in accordance with Article <del>[14]</del> <b>[13] and Article [4 (1) (x)] and [(xi)]</b> of that Regulation, <b>as well as for programmes</b>	The ESF+ Regulation may establish higher co-financing rates for <b>support to the most deprived and for</b> priorities supporting innovative actions in accordance with Article <del>[14]</del> <b>9 and 13</b> of that Regulation.	Provisional common understanding  The ESF+ Regulation may establish higher co-financing rates <del>for priorities supporting innovative actions</del> in accordance with Articles <del>[14]</del> <b>9 and 13</b> of that Regulation.	VIII-63	1415

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<i>addressing material deprivation in accordance with Article [9], youth unemployment in accordance with Article [10], supporting the European Child Guarantee in accordance with Article [10a] and transnational cooperation in line with Article [11b].</i>				
<b>The co-financing rate for the priority supported by the JTF shall not be higher than the co-financing rates set out in points (a), (b) and (c) of the first subparagraph applicable to the region where the territory or territories identified in the territorial just transition plans in accordance with Article [7] of Regulation (EU) [JTF Regulation] are located.</b>	The co-financing rate for the priority supported by the JTF shall not be higher than the co-financing rates set out in points (a), (b) and (c) of the first subparagraph applicable to the region where the territory or territories identified in the territorial just transition plans in accordance with Article [7] of Regulation (EU) [JTF Regulation] are located.	The co-financing rate for the priority supported by the JTF shall not be higher than the co-financing rates set out in points (a), (b) and (c) of the first subparagraph applicable to the region where the territory or territories identified in the territorial just transition plans in accordance with Article [7] of Regulation (EU) [JTF Regulation] are located.	<i>Provisional common understanding</i>  The co-financing rate for the priority supported by the JTF shall not be higher than the co-financing rates set out in points (a), (b) and (c) of the first subparagraph  <b>(a) 85% for less developed regions;</b>  <b>(b) 70% for transition regions;</b>  <b>(c) 50% for more developed regions;</b>  applicable to the region where the territory or territories identified in the territorial just transition plans in accordance with Article [7] of Regulation (EU) [JTF Regulation] are located.	IX-122	1416
4. The co-financing rate for Interreg programmes shall be no higher than 70 %.	<u>Amendment 353</u>  The co-financing rate for Interreg programmes shall be no higher than <del>70</del> <b>85</b> %.	The co-financing rate for Interreg programmes shall be no higher than <del>70</del> <b>80</b> %.	<i>Provisional common understanding</i>  4. The co-financing rate for Interreg programmes shall be no higher than <del>70</del> <b>80</b> %.	VIII-64	1417
	<u>Amendment 453</u>	<i>[no change]</i>	<i>Provisional common understanding</i>	VIII-65, 42	1418

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
	<p><i>4a. Member States may make in a duly justified case a request for further flexibility within the current framework of Stability and Growth Pact for the public or equivalent structural expenditure, supported by the public administration by way of co-financing of investments as part of the European Structural and Investment Funds. The Commission shall carefully assess the respective request when defining the fiscal adjustment under either the preventive or the corrective arm of the Stability and Growth Pact in a manner reflecting the strategic importance of investments.</i></p>		<p><i>[EP amendment covered by recital in row 42]</i></p>		
<p>The ETC Regulation may establish higher co-financing rates for external cross-border cooperation programmes under the European territorial cooperation goal (Interreg).</p>	<p><i>[no change]</i></p>	<p><i>[no change]</i></p>	<p><i>Provisional common understanding</i></p> <p>The ETC Regulation may establish higher co-financing rates for <b>Interreg strand D and for</b> external cross-border cooperation programmes under the European territorial cooperation goal (Interreg).</p>	<p>VIII-66</p>	<p>1419</p>
			<p><i>Provisional common understanding</i></p> <p><b>4a. The maximum co-financing rates listed under paragraphs 3 and 4 shall be increased by ten percentage points for priorities entirely delivered through community-led local development.</b></p>	<p><i>Link to row 551</i></p>	<p>1419a</p>
<p>5. Technical assistance measures</p>	<p><i>[no change]</i></p>	<p><i>[no change]</i></p>	<p><i>Provisional common understanding</i></p>	<p>VIII-</p>	<p>1420</p>

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
implemented at the initiative of, or on behalf of, the Commission may be financed at the rate of 100 %.			[no change]	67	
Title IX Delegation of power, implementing, transitional and final provisions	[no change]	[no change]	Provisional common understanding [no change]	VII-75	1421
CHAPTER I Delegation of power and implementing provisions	[no change]	[no change]	Provisional common understanding [no change]	VII-76	1422
Article 107 Delegation of powers	[no change]	[no change]	Provisional common understanding [no change]	VII-77	1423
The Commission is empowered to adopt delegated acts in accordance with Article 108 to amend the Annexes to this Regulation in order adapt to changes occurring during the programming period for non-essential elements of this Regulation, except for Annexes III, IV, X and XXII.	<u>Amendment 354</u> The Commission is empowered to adopt delegated acts in accordance with Article 108 to amend the Annexes to this Regulation in order adapt to changes occurring during the programming period for non-essential elements of this Regulation, except for Annexes III, IV, X and XXII. <b>The Commission is empowered to adopt delegated acts in accordance with Article 108 in order to amend and adapt Delegated Regulation (EU) 204/2014, referred to in Article 6(3), to this Regulation.</b>	The Commission is empowered to adopt delegated acts in accordance with Article 108 to amend the Annexes to this Regulation in order adapt to changes occurring during the programming period for non-essential elements of this Regulation, except for Annexes III, IV, X, <b>XI, XII, XXII and XY.</b>	Provisional common understanding The Commission is empowered to adopt delegated acts in accordance with Article 108 to amend the Annexes to this Regulation in order adapt to changes occurring during the programming period for non-essential elements of this Regulation, except for Annexes III, IV, X, <b>XI, XII, XXII and XYZ.</b>	VII-78 <i>Link to recital (69)</i>	1424
Article 108 Exercise of the delegation	[no change]	[no change]	Provisional common understanding [no change]	VII-79	1425
1. The power to adopt delegated acts is	[no change]	[no change]	Provisional common understanding	VII-80	1426

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
conferred on the Commission subject to the conditions laid down in this Article.			<i>[no change]</i>		
2. The power to adopt delegated acts referred to in Article 63(10), Article 73(4), Article 88(4), Article 89(4) and Article 107 shall be conferred on the Commission for an indeterminate period of time from date of entry into force of this Regulation.	<u>Amendment 355</u>  2. The power to adopt delegated acts referred to in <b>Article 6(3)</b> , Article 63(10), Article 73(4), Article 88(4), Article 89(4) and Article 107 shall be conferred on the Commission <del>for an indeterminate period of time</del> from <b>the</b> date of entry into force of this Regulation <b>until 31 December 2027</b> .	2. The power to adopt delegated acts referred to in Article <del>63(10), Article 73(4)</del> , Article 88(4), Article 89(4) and Article 107 shall be conferred on the Commission for an indeterminate period of time from date of entry into force of this Regulation.	<i>Provisional common understanding:</i>  2. The power to adopt delegated acts referred to in Article <del>63(10), Article 73(4)</del> , Article 88(4), Article 89(4) and Article 107 shall be conferred on the Commission for an indeterminate period of time from date of entry into force of this Regulation.	VII-81	1427
3. The delegation of power referred to in Article 63(10), Article 73(4), Article 88(4) and and Article 89(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	<u>Amendment 356</u>  3. The delegation of power referred to in Article <b>6(3)</b> , <b>Article 63(10)</b> , Article 73(4), Article 88(4) <del>and and Article 89(1)</del> , <b>Article 89(4) and Article 107</b> may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Article <del>63(10), Article 73(4)</del> , Article 88(4), <b>Article 89(4)</b> and <del>and</del> Article <del>89(1)</del> <b>107</b> may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	<i>Provisional common understanding:</i>  3. The delegation of power referred to in Article <del>63(10), Article 73(4)</del> , Article 88(4), <del>and</del> Article 89( <del>4</del> ), Article 107 <b>and Article 110(2)</b> may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	VII-82	1428
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-83  <i>Link to recital (70)</i>	1429

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
Better Law-Making of 13 April 2016.					
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-84	1430
6. A delegated act adopted pursuant to Article 63(10), Article 73(4), Article 88(4), Article 89(4) and 107 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	<u>Amendment 357</u>  6. A delegated act adopted pursuant to <b>Article 6(3)</b> , Article 63(10), Article 73(4), Article 88(4), Article 89(4) and 107 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to <del>Article 63(10)</del> , Article 73(4), Article 88(4), Article 89(4) and 107 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	<i>Provisional common understanding:</i>  6. A delegated act adopted pursuant to <del>Article 63(10)</del> , Article 73(4), Article 88(4), Article 89(4), <b>and Article 107 and Article 110(2)</b> shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	VII-85	1431
<i>Article 109</i> <i>Committee Procedure</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-86	1432
1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-87	1433
2. Where reference is made to this paragraph, Article 4 of Regulation (EU)	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-88	1434



<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
No 182/2011 shall apply.					
CHAPTER II Transitional and final provisions	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-89	1435
		<b>Article 109a Review</b>	<i>Provisional common understanding</i>  <b>Article 109a Review</b>	VII-90	1436
		<b>The European Parliament and the Council shall review this Regulation by 31 December 2027 in accordance with Article 177 TFEU.</b>	<i>Provisional common understanding</i>  <b>The European Parliament and the Council shall review this Regulation by 31 December 2027 in accordance with Article 177 TFEU.</b>	VII-91	1437
<i>Article 110 Transitional provisions</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-92	1438
Regulation (EC) No 1303/2013 or any other act applicable to the 2014–2020 programming period shall continue to apply to programmes and operations supported by the ERDF, the ESF+, the Cohesion Fund and the EMFF under that period.	<i>[no change]</i>	<b>1.</b> Regulation (EC) No 1303/2013 or any other act applicable to the 2014–2020 programming period shall continue to apply <b>only</b> to programmes and operations supported by the ERDF, the ESF+, the Cohesion Fund and the EMFF under that period.	<i>Provisional common understanding</i>  <b>1.</b> Regulation (EC) No 1303/2013 or any other act applicable to the 2014–2020 programming period shall continue to apply <b>only</b> to programmes and operations supported by the ERDF, the ESF+, the Cohesion Fund and the EMFF under that period.	VII-93	1439
		<b>2. Article 5 of Regulation (EU) No 1303/2013 shall apply to programmes and operations supported by the Funds under the 2021–2027 programming period as necessary for the</b>	<i>Provisional common understanding</i>  <b>2. The empowerment conferred in paragraph 3 of Article 5 of Regulation (EU) No 1303/2013 on the Commission to adopt a delegated act to provide for</b>	VII-94	1440

Commission proposal COM(2018)375 (as amended by COM(2020)23 and 450)	European Parliament position (Plenary mandate 29/3/19 + WD 4/9/20)	Council position (Coreper mandates, updated on 5/10/20)	Compromise proposal, comments	Old Row / Link	New Row
		<b>implementation of Article 6 of this Regulation.</b>	<b>a European code of conduct on partnership (the ‘code of conduct’) shall remain in force for the 2021-2027 programming period. The delegation of power shall be exercised in accordance with Article 108.</b>		
<i>Article 111 Conditions for operations subject to phased implementation</i>	<i>[no change]</i>	<i>Article 111 Conditions for operations subject to phased implementation</i>	<i>Provisional common understanding [no change]</i>	VII-95 <i>Link to recital (72)</i>	1441
1. The managing authority may proceed with the selection of an operation consisting of the second phase of an operation selected for support and started under Regulation (EC) No 1303/2013, provided that the following cumulative conditions are met:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding [no change]</i>	VII-96	1442
(a) the operation, as selected for support under Regulation (EC) No 1303/2013, has two phases identifiable from a financial point of view with separate audit trails;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding [no change]</i>	VII-97	1443
(b) the total cost of the operation exceeds EUR 10 million;	<i>[no change]</i>	(b) the total cost of the operation exceeds EUR <del>10</del> 5 million;	<i>Provisional common understanding</i> (b) the total cost of the operation exceeds EUR <del>10</del> 5 million;	VII-98F	1444
(b) the total cost of the operation exceeds EUR <del>10</del> 5 million;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> (b) the total cost of the operation exceeds EUR <del>10</del> 5 million;	IX-157	1445
(c) expenditure included in a payment	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>	VII-99	1446

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
application in relation to the first phase is not included under any payment applications in relation to the second phase;			<i>[no change]</i>		
(d) the second phase of the operation complies with applicable law and is eligible for support from the ERDF, the ESF+ and the Cohesion Fund under the provisions of this Regulation or the Fund-specific Regulations;	<i>[no change]</i>	(d) the second phase of the operation complies with applicable law and is eligible for support from the ERDF, the ESF+ <del>and</del> , the Cohesion Fund <b>or the EMFF</b> under the provisions of this Regulation or the Fund-specific Regulations;	<i>Provisional common understanding</i>  (d) the second phase of the operation complies with applicable law and is eligible for support from the ERDF, the ESF+ <del>and</del> , the Cohesion Fund <b>or the EMFF</b> under the provisions of this Regulation or the Fund-specific Regulations;	VII-100	1447
(e) the Member State commits to complete during the programming period and render operational the second and final phase in the final implementation	<i>[no change]</i>	(e) the Member State commits to complete during the programming period and render operational the second and final phase in the final implementation report, <b>or in the context of the EMFF in the last annual implementation report</b> , submitted in accordance with Article 141 of Regulation (EC) No 1303/2013.	<i>Provisional common understanding</i>  (e) the Member State commits to complete during the programming period and render operational the second and final phase in the final implementation report, <b>or in the context of the EMFF in the last annual implementation report</b> , submitted in accordance with Article 141 of Regulation (EC) No 1303/2013.	VII-101	1448
2. The provisions of this Regulation shall apply to the second phase of the operation.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-102	1449
<i>Article 112</i> <i>Entry into force</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-103	1450
This Regulation shall enter into force on the twentieth day following that of its	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>	VII-104	1451

<b>Commission proposal COM(2018)375</b> (as amended by COM(2020)23 and 450)	<b>European Parliament position</b> (Plenary mandate 29/3/19 + WD 4/9/20)	<b>Council position</b> (Coreper mandates, updated on 5/10/20)	<b>Compromise proposal, comments</b>	<b>Old Row / Link</b>	<b>New Row</b>
publication in the <i>Official Journal of the European Union</i> .			<i>[no change]</i>  <i>Comment: date of the entry into force to be reconsidered at the end of the negotiating process.</i>		
This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-105	1452
Done at Strasbourg,	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-106	1453
<i>For the European Parliament</i>  <i>The President</i>   <i>For the Council</i>  <i>The President</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VII-107	1454
					1455
<b>ANNEXES</b> <sup>101</sup>	<b>ANNEXES</b>	<b>ANNEXES</b>		I-282	1456

<sup>101</sup> Detailed changes proposed by the co-legislators in the core text of the Annexes are discussed using a separate document.

Provisional common understanding on changes to ANNEX III (compared to document 14962/19 ADD2)

<p><b><u>EP amendment 379</u></b></p> <p><i>Implementation of the principles and rights of the European Pillar of Social Rights that contribute to real convergence and cohesion in the European Union.</i></p>	<p><i>Arrangements at national level to ensure the proper implementation of the principles of the European Pillar of Social Rights that contribute to upward social convergence and cohesion in the EU, especially the principles preventing unfair competition within the internal market.</i></p> <div data-bbox="562 518 1352 614" style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><i>Provisional common understanding</i> <i>[EP amendment withdrawn]</i></p> </div>
<p><b><u>EP amendment 380</u></b></p> <p><i>Effective application of the partnership principle</i></p>	<p><i>A framework is in place for all partners to play a fully-fledged role in the preparation, implementation, monitoring and evaluation of programmes, which includes</i></p> <ol style="list-style-type: none"> <li><i>1. Arrangements to ensure transparent procedures for the involvement of partners</i></li> <li><i>2. Arrangement for dissemination and disclosure of information relevant for partners to prepare and follow-up meetings</i></li> <li><i>3. Support for empowering partners and capacity building</i></li> </ol> <div data-bbox="577 1074 1357 1169" style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><i>Provisional common understanding</i> <i>[EP amendment withdrawn]</i></p> </div>

Provisional common understanding on changes to ANNEX IV (compared to document 14962/19 ADD2)

Policy objective	Specific objective	Name of enabling condition	Fulfilment criteria for the enabling condition
<p><b>1. A smarter Europe by promoting innovative and smart economic transformation</b></p> <div data-bbox="114 523 356 927" style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><i>Provisional common understanding (February -March 2019), CPR, Art. 4:</i> a more competitive and smarter Europe by promoting innovative and smart economic transformation;</p> </div>	<p>ERDF: All specific objectives under this policy objectives</p> <div data-bbox="387 461 633 927" style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><i>Provisional common understanding</i> <b>Specific objectives referred to in Article 2(1)(a)(i) and (iv) of ERDF-CF Regulation</b></p> <p>All specific objectives under this policy objectives</p> </div>	<p><u>1.</u> Good governance of national or regional smart specialisation strategy</p>	<p>Smart specialisation strategy(ies) shall be supported by:</p> <ol style="list-style-type: none"> <li>1. <del>Up-to-date</del> <del>Analysis of</del> <b>challenges including</b> bottlenecks for innovation diffusion, <del>including digitalisation</del></li> <li>2. Existence of competent regional / national institution or body, responsible for the management of the smart specialisation strategy</li> <li>3. Monitoring and evaluation tools to measure performance towards the objectives of the strategy</li> <li>4. <del>Effective f</del>Functioning of <b>stakeholder co-operation ("entrepreneurial discovery process")</b></li> <li>5. Actions necessary to improve national or regional research and innovation systems, <b>where relevant</b></li> <li>6. <b>Where relevant, A</b>actions to <del>manage</del><b>support</b> industrial transition</li> <li>7. Measures for <del>international collaboration</del> <b>internationalisation</b></li> </ol> <div data-bbox="1055 724 2092 1361" style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><i>Provisional common understanding</i></p> <p>Smart specialisation strategy(ies) shall be supported by:</p> <ol style="list-style-type: none"> <li>1. Up-to-date analysis of <b>challenges</b> bottlenecks for innovation diffusion <b>and</b> , <del>including digitalisation</del></li> <li>2. Existence of competent regional / national institution or body, responsible for the management of the smart specialisation strategy</li> <li>3. Monitoring and evaluation tools to measure performance towards the objectives of the strategy</li> <li>4. <del>Effective f</del>Functioning of <b>stakeholder co-operation ("entrepreneurial discovery process")</b></li> <li>5. Actions necessary to improve national or regional research and innovation systems, <b>where relevant</b></li> <li>6. <b>Where relevant, A</b>actions to <del>manage</del><b>support</b> industrial transition.</li> <li>7. Measures for <b>enhancing cooperation with partners outside a given Member State in priority areas supported by the smart specialisation strategy</b> <del>international collaboration</del>.</li> </ol> </div>

Policy objective	Specific objective	Name of enabling condition	Fulfilment criteria for the enabling condition
	<p>ERDF and Cohesion Fund: 2.6 Promoting green infrastructure in the urban environment and reducing pollution</p> <div data-bbox="405 603 667 671" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <i>Provisional common understanding</i> </div> <p><b>2.7 Enhancing protection and preservation of nature, biodiversity and green infrastructure, including in urban areas, and reducing all forms of pollution;</b></p> <p>2.6 Promoting green infrastructure in the urban environment and reducing pollution</p>	<p>Prioritised action framework for the necessary conversation measures involving Union co-financing.</p> <div data-bbox="723 587 983 946" style="border: 1px solid black; padding: 5px;"> <p><i>Provisional common understanding</i></p> <p>Prioritised action framework for the necessary conversation measures involving Union co-financing.</p> </div>	<p><b><u>EP Amendment 383</u></b></p> <p>A priority action framework pursuant to Article 8 of Directive 92/43/EEC is in place and includes:</p> <ol style="list-style-type: none"> <li>1. All elements required by the template for the priority action framework for 2021-2027 agreed by the Commission and the Member States <b>including</b></li> <li>2. <del>The identification of</del> the priority measures and an estimate of financing needs</li> </ol> <p><b>CONS</b></p> <p><del>A priority action framework pursuant to Article 8 of Directive 92/43/EEC is in place and includes:</del></p> <ol style="list-style-type: none"> <li>1. All elements required by the template for the priority action framework for 2021-2027 agreed by the Commission and the Member States</li> <li>2. <del>The identification of the priority measures and an estimate of financing needs</del></li> </ol> <div data-bbox="1077 852 1989 1134" style="border: 1px solid black; padding: 5px; margin-top: 20px;"> <p><i>Provisional common understanding</i></p> <p><b>For interventions supporting nature conservation measures in connection with Natura 2000 areas within the scope of Directive 92/43/EEC:</b> A priority action framework pursuant to Article 8 of Directive 92/43/EEC is in place and includes <del>1-</del> all elements required by the template for the priority action framework for 2021-2027 agreed by the Commission and the Member States including <del>2-</del> <del>The identification of</del> the priority measures and an estimate of financing needs.</p> </div>

**Provisional common understanding on ANNEX XXII**

Commission proposal COM (2018) 375 (as amended by COM (2020) 23 final	<b>Parliament position</b> (Plenary mandate 29/3/19, WD 4/9/20)	<b>Council position</b> (Coreper partial mandate of 05/10/20)	<b>Compromise proposal, comments</b>	<b>Rows</b>
<u><b>ANNEX XXII</b></u>	[no change] <sup>102</sup>	[no change]	Provisional common understanding  [no change]  <i>Trilogue 27/10: Agreement not to touch the methodology of allocations and maintain the Council position unless there are changes required due to the overarching MFF negotiations outcome. This covers rows VIII-68 to VIII-149.</i>	VIII-68
<b>Methodology on the allocation of global resources per Member State – Article 103(2)</b>	[no change]	[no change]	Provisional common understanding  [no change]	VIII-69
Allocation method for the less developed regions eligible under the Investment for jobs and growth goal - Article 102(2)(a)	[no change]	[no change]	Provisional common understanding  [no change]	VIII-70
1. Each Member State's allocation shall be the sum of the allocations for its individual eligible regions, calculated in accordance with the following steps:	[no change]	[no change]	Provisional common understanding  [no change]	VIII-71
a) determination of an absolute amount per year (in EUR) obtained by multiplying the population of the region concerned by the difference between that region's GDP per capita, measured in PPS, and the EU-27 average GDP per capita (in PPS);	[no change]	[no change]	Provisional common understanding  [no change]	VIII-72

<sup>102</sup> **EP position:** Parliament's amendments 329 and 331 in Art. 103 (1) and (2) will require adjustments in the text of Annex XXII.



Commission proposal COM (2018) 375 (as amended by COM (2020) 23 final	Parliament position (Plenary mandate 29/3/19, WD 4/9/20)	Council position (Coreper partial mandate of 05/10/20)	Compromise proposal, comments	Rows
b) application of a percentage to the above absolute amount in order to determine that region's financial envelope; this percentage shall be graduated to reflect the relative prosperity, measured in PPS, as compared to the EU-27 average, of the Member State in which the eligible region is situated, i.e.:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VIII-73
i. for regions in Member States whose level of GNI per capita is below 82% of the EU-27 average: 2,8%;	<i>[no change]</i>	i. for regions in Member States whose level of GNI per capita is below 82% of the EU-27 average: <del>2,8</del> <b>2,85</b> %;	<i>Provisional common understanding</i>  i. for regions in Member States whose level of GNI per capita is below 82% of the EU-27 average: <del>2,8</del> <b>2,85</b> %;	VIII-74
ii. for regions in Member States whose level of GNI per capita is between 82% and 99% of the EU-27 average: 1,3%;	<i>[no change]</i>	ii. for regions in Member States whose level of GNI per capita is between 82% and 99% of the EU-27 average: <del>1,3</del> <b>1,25</b> %;	<i>Provisional common understanding</i>  ii. for regions in Member States whose level of GNI per capita is between 82% and 99% of the EU-27 average: <del>1,3</del> <b>1,25</b> %;	VIII-75
iii. for regions in Member States whose level of GNI per capita is over 99% of the EU-27 average: 0,9%;	<i>[no change]</i>	iii. for regions in Member States whose level of GNI per capita is over 99% of the EU-27 average: <del>0,9</del> <b>0,75</b> %;	<i>Provisional common understanding</i>  iii. for regions in Member States whose level of GNI per capita is over 99% of the EU-27 average: <del>0,9</del> <b>0,75</b> %;	VIII-76
c) to the amount obtained in accordance with point (b) is added, if applicable, an amount resulting from the allocation of a premium of EUR 500 per unemployed person per year, applied to the number of persons unemployed in that region exceeding the number that would be unemployed if the average unemployment rate of all the less developed regions applied;	<i>[no change]</i>	c) to the amount obtained in accordance with point (b) is added, if applicable, an amount resulting from the allocation of a premium of EUR <del>500</del> <b>570</b> per unemployed person per year, applied to the number of persons unemployed in that region exceeding the number that would be unemployed if the average unemployment rate of all the less developed regions	<i>Provisional common understanding</i>  c) to the amount obtained in accordance with point (b) is added, if applicable, an amount resulting from the allocation of a premium of EUR <del>500</del> <b>570</b> per unemployed person per year, applied to the number of persons unemployed in that region exceeding the number that would be unemployed if the average unemployment	VIII-77

Commission proposal COM (2018) 375 (as amended by COM (2020) 23 final	Parliament position (Plenary mandate 29/3/19, WD 4/9/20)	Council position (Coreper partial mandate of 05/10/20)	Compromise proposal, comments	Rows
		applied;	rate of all the less developed regions applied;	
d) to the amount obtained in accordance with point (c) is added, if applicable, an amount resulting from the allocation of a premium of EUR 500 per young unemployed person (age group 15-24) per year, applied to the number of young persons unemployed in that region exceeding the number that would be unemployed if the average youth unemployment rate of all less developed regions applied;	<i>[no change]</i>	d) to the amount obtained in accordance with point (c) is added, if applicable, an amount resulting from the allocation of a premium of EUR <del>500</del> <b>570</b> per young unemployed person (age group 15-24) per year, applied to the number of young persons unemployed in that region exceeding the number that would be unemployed if the average youth unemployment rate of all less developed regions applied;	<i>Provisional common understanding</i> d) to the amount obtained in accordance with point (c) is added, if applicable, an amount resulting from the allocation of a premium of EUR <del>500</del> <b>570</b> per young unemployed person (age group 15-24) per year, applied to the number of young persons unemployed in that region exceeding the number that would be unemployed if the average youth unemployment rate of all less developed regions applied;	VIII-78
e) to the amount obtained in accordance with point (d) is added, if applicable, an amount resulting from the allocation of a premium of EUR 250 per person (age group 25-64) per year, applied to the number of persons in that region that would need to be subtracted in order to reach the average level of low education rate (less than primary, primary and lower secondary education) of all less developed regions;	<i>[no change]</i>	e) to the amount obtained in accordance with point (d) is added, if applicable, an amount resulting from the allocation of a premium of EUR <del>250</del> <b>270</b> per person (age group 25-64) per year, applied to the number of persons in that region that would need to be subtracted in order to reach the average level of low education rate (less than primary, primary and lower secondary education) of all less developed regions;	<i>Provisional common understanding</i> e) to the amount obtained in accordance with point (d) is added, if applicable, an amount resulting from the allocation of a premium of EUR <del>250</del> <b>270</b> per person (age group 25-64) per year, applied to the number of persons in that region that would need to be subtracted in order to reach the average level of low education rate (less than primary, primary and lower secondary education) of all less developed regions;	VIII-79
f) to the amount obtained in accordance with point (e) is added, if applicable, an amount of EUR 1 per tonne of CO <sub>2</sub> equivalent per year applied to the population share of the region of the number of tonnes of CO <sub>2</sub>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VIII-80

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equivalent by which the Member State exceeds the target of greenhouse gas emissions outside the emissions trading scheme set for 2030 as proposed by the Commission in 2016;				
g) to the amount obtained in accordance with point (f) is added, an amount resulting from the allocation of a premium of EUR 400 per person per year, applied to the population share of the region of net migration from outside the EU to the Member State since 1 January 2013.	<i>[no change]</i>	g) to the amount obtained in accordance with point (f) is added, an amount resulting from the allocation of a premium of EUR <del>400</del> 405 per person per year, applied to the population share of the regions of net migration from outside the EU to the Member State since 1 January <del>2013</del> 2014.	<i>Provisional common understanding</i> g) to the amount obtained in accordance with point (f) is added, an amount resulting from the allocation of a premium of EUR <del>400</del> 405 per person per year, applied to the population share of the regions of net migration from outside the EU to the Member State since 1 January <del>2013</del> 2014.	VIII-81
Allocation method for transition regions eligible under the Investment for jobs and growth goal - Article 102(2)(b)	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VIII-82
2. Each Member State's allocation shall be the sum of the allocations for its individual eligible regions, calculated in accordance with the following steps:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VIII-83
a) determination of the minimum and maximum theoretical aid intensity for each eligible transition region. The minimum level of support is determined by the initial average per capita aid intensity of all more developed regions, i.e. EUR 18 per head and per year. The maximum level of support refers to a theoretical region with a GDP per head of 75% of the EU-27 average and is calculated using the method defined in points (a) and (b) of paragraph 1. Of the	<i>[no change]</i>	a) determination of the minimum and maximum theoretical aid intensity for each eligible transition region. The minimum level of support is determined by the initial average per capita aid intensity of all more developed regions, i.e. EUR <del>18</del> 15.2 per head and per year. The maximum level of support refers to a theoretical region with a GDP per head of 75% of the EU-27 average and is calculated using the method defined in points (a) and (b) of paragraph	<i>Provisional common understanding</i> a) determination of the minimum and maximum theoretical aid intensity for each eligible transition region. The minimum level of support is determined by the initial average per capita aid intensity of all more developed regions, i.e. EUR <del>18</del> 15.2 per head and per year. The maximum level of support refers to a theoretical region with a GDP per head of 75% of the EU-27	VIII-84

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amount obtained by this method, 60% is taken into account;		1. Of the amount obtained by this method, 60% is taken into account;	average and is calculated using the method defined in points (a) and (b) of paragraph 1. Of the amount obtained by this method, 60% is taken into account;	
b) calculation of initial regional allocations, taking into account regional GDP per capita (in PPS) through a linear interpolation of the region's relative GDP per capita compared to EU-27;	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VIII-85
c) to the amount obtained in accordance with point (b) is added, if applicable, an amount resulting from the allocation of a premium of EUR 500 per unemployed person per year, applied to the number of persons unemployed in that region exceeding the number that would be unemployed if the average unemployment rate of all the less developed regions applied;	<i>[no change]</i>	c) to the amount obtained in accordance with point (b) is added, if applicable, an amount resulting from the allocation of a premium of EUR <del>500</del> 560 per unemployed person per year, applied to the number of persons unemployed in that region exceeding the number that would be unemployed if the average unemployment rate of all the less developed regions applied;	<i>Provisional common understanding</i>  c) to the amount obtained in accordance with point (b) is added, if applicable, an amount resulting from the allocation of a premium of EUR <del>500</del> 560 per unemployed person per year, applied to the number of persons unemployed in that region exceeding the number that would be unemployed if the average unemployment rate of all the less developed regions applied;	VIII-86
d) to the amount obtained in accordance with point (c) is added, if applicable, an amount resulting from the allocation of a premium of EUR 500 per young unemployed person (age group 15-24) per year, applied to the number of young persons unemployed in that region exceeding the number that would be unemployed if the average youth unemployment rate of all less developed regions applied;	<i>[no change]</i>	d) to the amount obtained in accordance with point (c) is added, if applicable, an amount resulting from the allocation of a premium of EUR <del>500</del> 560 per young unemployed person (age group 15-24) per year, applied to the number of young persons unemployed in that region exceeding the number that would be unemployed if the average youth unemployment rate of all less developed regions applied;	<i>Provisional common understanding</i>  d) to the amount obtained in accordance with point (c) is added, if applicable, an amount resulting from the allocation of a premium of EUR <del>500</del> 560 per young unemployed person (age group 15-24) per year, applied to the number of young persons unemployed in that region exceeding the number that would be unemployed if the average youth unemployment rate of all less developed	VIII-87

Commission proposal COM (2018) 375 (as amended by COM (2020) 23 final	Parliament position (Plenary mandate 29/3/19, WD 4/9/20)	Council position (Coreper partial mandate of 05/10/20)	Compromise proposal, comments	Rows
			regions applied;	
e) to the amount obtained in accordance with point (d) is added, if applicable, an amount resulting from the allocation of a premium of EUR 250 per person (age group 25-64) per year, applied to the number of persons in that region that would need to be subtracted in order to reach the average level of low education rate (less than primary, primary and lower secondary education) of all less developed regions;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VIII-88
f) to the amount obtained in accordance with point (e) is added, if applicable, an amount of EUR 1 per tonne of CO <sub>2</sub> equivalent per year applied to the population share of the region of the number of tonnes of CO <sub>2</sub> equivalent by which the Member State exceeds the target of greenhouse gas emissions outside the emissions trading scheme set for 2030 as proposed by the Commission in 2016;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding  <i>[no change]</i>	VIII-89
g) to the amount obtained in accordance with point (f) is added, an amount resulting from the allocation of a premium of EUR 400 per person per year, applied to the population share of the region of net migration from outside the EU to the Member State since 1 January 2013.	<i>[no change]</i>	g) to the amount obtained in accordance with point (f) is added, an amount resulting from the allocation of a premium of EUR <del>400</del> <b>405</b> per person per year, applied to the population share of the region of net migration from outside the EU to the Member State since 1 January 2013 <b>2014</b> .	Provisional common understanding  g) to the amount obtained in accordance with point (f) is added, an amount resulting from the allocation of a premium of EUR <del>400</del> <b>405</b> per person per year, applied to the population share of the region of net migration from outside the EU to the Member State since 1 January 2013 <b>2014</b> .	VIII-90
Allocation method for the more developed regions eligible under the Investment for	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding	VIII-91

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jobs and growth goal - Article 102(2)(c)			<i>[no change]</i>	
3. The total initial theoretical financial envelope shall be obtained by multiplying an aid intensity per head and per year of EUR 18 by the eligible population.	<i>[no change]</i>	3. The total initial theoretical financial envelope shall be obtained by multiplying an aid intensity per head and per year of EUR <del>18</del> <b>15.2</b> by the eligible population.	<i>Provisional common understanding</i> 3. The total initial theoretical financial envelope shall be obtained by multiplying an aid intensity per head and per year of EUR <del>18</del> <b>15.2</b> by the eligible population.	VIII-92
4. The share of each Member State concerned shall be the sum of the shares of its eligible regions, which are determined on the basis of the following criteria, weighted as indicated:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VIII-93
a) total regional population (weighting 20%);	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VIII-94
b) number of unemployed people in NUTS level 2 regions with an unemployment rate above the average of all more developed regions (weighting 15%);	<i>[no change]</i>	b) number of unemployed people in NUTS level 2 regions with an unemployment rate above the average of all more developed regions (weighting <del>15</del> <b>12.5</b> %);	<i>Provisional common understanding</i> b) number of unemployed people in NUTS level 2 regions with an unemployment rate above the average of all more developed regions (weighting <del>15</del> <b>12.5</b> %);	VIII-95
c) employment to be added to reach the average employment rate (ages 20 to 64) of all more developed regions (weighting 20%);	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VIII-96
d) number of persons aged 30 to 34 with tertiary educational attainment to be added to reach the average tertiary educational attainment rate (ages 30 to 34) of all more	<i>[no change]</i>	d) number of persons aged 30 to 34 with tertiary educational attainment to be added to reach the average tertiary educational attainment rate (ages 30 to 34) of all more	<i>Provisional common understanding</i> d) number of persons aged 30 to 34 with tertiary educational attainment to be added to reach the average tertiary educational	VIII-97

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developed regions (weighting 20%);		developed regions (weighting <del>20</del> <b>22.5%</b> );	attainment rate (ages 30 to 34) of all more developed regions (weighting <del>20</del> <b>22.5%</b> );	
e) number of early leavers from education and training (aged 18 to 24) to be subtracted to reach the average rate of early leavers from education and training (aged 18 to 24) of all more developed regions (weighting 15%);	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	VIII-98
f) difference between the observed GDP of the region (measured in PPS), and the theoretical regional GDP if the region were to have the same GDP per head as the most prosperous NUTS level 2 region (weighting 7,5%);	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	VIII-99
g) population of NUTS level 3 regions with a population density below 12,5 inhabitants/km <sup>2</sup> (weighting 2,5%).	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	VIII-100
5. To the amounts by NUTS level 2 region obtained in accordance with point (4) is added, if applicable, an amount of EUR 1 per tonne of CO <sub>2</sub> equivalent per year applied to the population share of the region of the number of tonnes of CO <sub>2</sub> equivalent by which the Member State exceeds the target of greenhouse gas emissions outside the emissions trading scheme set for 2030 as proposed by the Commission in 2016.	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	VIII-101
6. To the amounts by NUTS level 2 region obtained in accordance with point (5) is added, an amount resulting from the allocation of a premium of EUR 400 per	<i>[no change]</i>	6. To the amounts by NUTS level 2 region obtained in accordance with point (5) is added, an amount resulting from the allocation of a premium of EUR <del>400</del> <b>405</b>	Provisional common understanding 6. To the amounts by NUTS level 2 region obtained in accordance with point (5) is	VIII-102

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person per year, applied to the population share of the region of net migration from outside the EU to the Member State since 1 January 2013.		per person per year, applied to the population share of the region of net migration from outside the EU to the Member State since 1 January <del>2013</del> 2014.	added, an amount resulting from the allocation of a premium of EUR <del>400</del> 405 per person per year, applied to the population share of the region of net migration from outside the EU to the Member State since 1 January <del>2013</del> 2014.	
Allocation method for the Member States eligible for the Cohesion Fund - Article 102(3)	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	VIII-103
7. The financial envelope shall be obtained by multiplying the average aid intensity per head and per year of EUR 62.9 by the eligible population. Each eligible Member State's allocation of this theoretical financial envelope corresponds to a percentage based on its population, surface area and national prosperity, and shall be obtained by applying the following steps:	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	VIII-104
a) calculation of the arithmetical average of that Member State's population and surface area shares of the total population and surface area of all the eligible Member States. If, however, a Member State's share of total population exceeds its share of total surface area by a factor of five or more, reflecting an extremely high population density, only the share of total population will be used for this step;	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	VIII-105
b) adjustment of the percentage figures so obtained by a coefficient representing one third of the percentage by which that Member State's GNI per capita (measured in	<i>[no change]</i>	b) adjustment of the percentage figures so obtained by a coefficient representing one third of the percentage by which that Member State's GNI per capita (measured	Provisional common understanding b) adjustment of the percentage figures so obtained by a coefficient representing one	VIII-106



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purchasing power parities) for the period 2014-2016 exceeds or falls below the average GNI per capita of all the eligible Member States (average expressed as 100%).		<del>in purchasing power parities PPS</del> for the period <del>2014-2016</del> <b>2015-2017</b> exceeds or falls below the average GNI per capita of all the eligible Member States (average expressed as 100%).	third of the percentage by which that Member State's GNI per capita ( <del>measured in purchasing power parities PPS</del> ) for the period <del>2014-2016</del> <b>2015-2017</b> exceeds or falls below the average GNI per capita of all the eligible Member States (average expressed as 100%).	
For each eligible Member State, the share of the Cohesion Fund shall not be higher than one third of the total allocation minus the allocation for the European territorial development goal after the application of paragraphs 10 to 16. This adjustment will proportionally increase all other transfers resulting from paragraphs 1 to 6.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VIII-107
Allocation method for the European territorial cooperation goal – Article 9	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VIII-108
8. The allocation of resources by Member State, covering cross-border, transnational and outermost regions' cooperation is determined as the weighted sum of the shares determined on the basis of the following criteria, weighted as indicated:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i>  <i>[no change]</i>	VIII-109
a) total population of all NUTS level 3 land border regions and of other NUTS level 3 regions of which at least half of the regional population lives within 25 kilometres of the land border (weighting 36%);	<i>[no change]</i>	a) total population of all NUTS level 3 land border regions and of other NUTS level 3 regions of which at least half of the regional population lives within 25 kilometres of the land border (weighting <del>36</del> <b>45.8</b> %);	<i>Provisional common understanding</i>  a) total population of all NUTS level 3 <del>land</del> border regions and of other NUTS level 3 regions of which at least half of the regional population lives within 25 kilometres of the <del>land</del> border (weighting	VIII-110

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			<p>36 45.8%);</p> <p><i>Provisional common understanding on a new recital:</i></p> <p><b>(60a) The resources for the European territorial cooperation goal should be allocated to Member States on the basis of the allocation methodology which takes into account in particular population density in border areas. Additionally, to ensure continuity of existing programmes under the European territorial cooperation goal, specific provisions to define programme areas and the eligibility of regions under the different strands of Interreg should be set out in the relevant Fund-specific regulation.</b></p>	
b) population living within 25 kilometres of the land borders (weighting 24%);	<i>[no change]</i>	b) population living within 25 kilometres of the land borders (weighting 24 30.5%);	<p><i>Provisional common understanding</i></p> <p>b) population living within 25 kilometres of the land borders (weighting 24 30.5%);</p>	VIII-111
c) total population of the Member States (weighting 20%);	<i>[no change]</i>	<i>[no change]</i>	<p><i>Provisional common understanding</i></p> <p><i>[no change]</i></p>	VIII-112
d) total population of all NUTS level 3 regions along border coastlines and of other NUTS level 3 regions of which at least half of the regional population lives within 25 kilometres of the border coastlines. (weighting 9.8%);	<i>[no change]</i>	d) total population of all NUTS level 3 regions along border coastlines and of other NUTS level 3 regions of which at least half of the regional population lives within 25 kilometres of the border coastlines. (weighting 9.8%);	<p><i>Provisional common understanding</i></p> <p>d) total population of all NUTS level 3 regions along border coastlines and of other NUTS level 3 regions of which at least half of the regional population lives within 25 kilometres of the border</p>	VIII-113

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			coastlines. (weighting 9.8%);	
e) population living in the maritime border areas within 25 kilometres of the border coastlines (weighting 6.5%);	<i>[no change]</i>	<del>e) population living in the maritime border areas within 25 kilometres of the border coastlines (weighting 6.5%);</del>	Provisional common understanding <del>e) population living in the maritime border areas within 25 kilometres of the border coastlines (weighting 6.5%);</del>	VIII-114
f) total population of outermost regions (weighting 3.7%).	<i>[no change]</i>	<del>f) d) total population of outermost regions (weighting 3.7%).</del>	Provisional common understanding <del>f) d) total population of outermost regions (weighting 3.7%).</del>	VIII-115
The share of the cross-border component corresponds to the sum of the weights of criteria (a) and (b). The share of the transnational component corresponds to the sum of weights of criteria (c), (d) and (e). The share of the outermost regions' cooperation corresponds to the weight of criterion (f).	<i>[no change]</i>	The share of the cross-border <del>component</del> <b>strand</b> corresponds to the sum of the weights of criteria (a) and (b). The share of the transnational <del>component</del> <b>strand</b> corresponds to the <del>sum weight of weights of criteria</del> <b>criterion</b> (c), (d) and (e). The share of the outermost regions' cooperation corresponds to the weight of criterion ( <del>f</del> <b>d</b> ).	The share of the cross-border <del>component</del> <b>strand</b> corresponds to the sum of the weights of criteria (a) and (b). The share of the transnational <del>component</del> <b>strand</b> corresponds to the <del>sum weight of weights of criteria</del> <b>criterion</b> (c), (d) and (e). The share of the outermost regions' cooperation corresponds to the weight of criterion ( <del>f</del> <b>d</b> ).	VIII-116
Allocation method for the additional funding for the outermost regions identified in Article 349 TFEU and the NUTS level 2 regions fulfilling the criteria laid down in Article 2 of Protocol No 6 to the 1994 Act of Accession – Article 104(1)(e)	<i>[no change]</i>	<i>[no change]</i>	Provisional common understanding <i>[no change]</i>	VIII-117
9. An additional special allocation corresponding to an aid intensity of EUR 30 per inhabitant per year will be allocated to the outermost NUTS level 2 regions and the northern sparsely populated NUTS level 2 regions. That allocation will be distributed	<i>[no change]</i>	9. An additional special allocation corresponding to an aid intensity of EUR <del>30</del> <b>40</b> per inhabitant per year will be allocated to the outermost NUTS level 2 regions and the northern sparsely populated NUTS level 2 regions. That	Provisional common understanding 9. An additional special allocation corresponding to an aid intensity of EUR <del>30</del> <b>40</b> per inhabitant per year will be allocated to the outermost NUTS level 2	VIII-118

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per region and Member State in a manner proportional to the total population of those regions.		allocation will be distributed per region and Member State in a manner proportional to the total population of those regions.	regions and the northern sparsely populated NUTS level 2 regions. That allocation will be distributed per region and Member State in a manner proportional to the total population of those regions.	
Minimum and maximum levels of transfers from the funds supporting economic, social and territorial cohesion	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VIII-119
10. In order to contribute to achieving adequate concentration of cohesion funding on the least developed regions and Member States and to the reduction of disparities in average per capita aid intensities, the maximum level of transfer (capping) from the Funds to each individual Member State will be determined as a percentage of the GDP of the Member State, whereby these percentages will be as follows:	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VIII-120
a) for Member States whose average GNI per capita (in PPS) is under 60% of the EU-27 average: 2,3% of their GDP	<i>[no change]</i>	a) for Member States whose average GNI per capita (in PPS) <b>for the period 2015-2017</b> is under <del>60</del> <b>55%</b> of the EU-27 average: 2,3% of their GDP;	<i>Provisional common understanding</i> a) for Member States whose average GNI per capita (in PPS) <b>for the period 2015-2017</b> is under <del>60</del> <b>55%</b> of the EU-27 average: 2,3% of their GDP;	VIII-121
b) for Member States whose average GNI per capita (in PPS) is equal to or above 60% and below 65% of the EU-27 average: 1,85% of their GDP	<i>[no change]</i>	b) for Member States whose average GNI per capita (in PPS) <b>for the period 2015-2017</b> is equal to or above <del>60% and below 65</del> <b>68%</b> of the EU-27 average: <del>1,85</del> <b>1,5%</b> of their GDP;	<i>Provisional common understanding</i> b) for Member States whose average GNI per capita (in PPS) <b>for the period 2015-2017</b> is equal to or above <del>60% and below 65</del> <b>68%</b> of the EU-27 average: <del>1,85</del> <b>1,5%</b>	VIII-122

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			of their GDP;	
c) for Member States whose average GNI per capita (in PPS) is equal to or above 65% of the EU-27 average: 1,55% of their GDP.	<i>[no change]</i>	c) for Member States whose average GNI per capita (in PPS) <b>for the period 2015-2017</b> is equal to or above <del>65</del> <b>55% and below 68%</b> of the EU-27 average: <del>1,55%</del> <b>of the percentage is obtained through a linear interpolation between 2.3% and 1.5%</b> of their GDP leading to a <b>proportional reduction of the capping percentage in line with the increase in prosperity.</b>	<i>Provisional common understanding</i> c) for Member States whose average GNI per capita (in PPS) <b>for the period 2015-2017</b> is equal to or above <del>65</del> <b>55% and below 68%</b> of the EU-27 average: <del>1,55%</del> <b>of the percentage is obtained through a linear interpolation between 2.3% and 1.5%</b> of their GDP leading to a <b>proportional reduction of the capping percentage in line with the increase in prosperity.</b>	VIII-123
The capping will be applied on an annual basis, and will - if applicable - proportionally reduce all transfers (except for the more developed regions and European territorial cooperation goal) to the Member State concerned in order to obtain the maximum level of transfer.	<i>[no change]</i>	The capping will be applied on an annual basis <b>to the GDP projections of the Commission</b> , and will - if applicable - proportionally reduce all transfers (except for the more developed regions and European territorial cooperation goal) to the Member State concerned in order to obtain the maximum level of transfer.	<i>Provisional common understanding</i> The capping will be applied on an annual basis <b>to the GDP projections of the Commission</b> , and will - if applicable - proportionally reduce all transfers (except for the more developed regions and European territorial cooperation goal) to the Member State concerned in order to obtain the maximum level of transfer.	VIII-124
11. The rules described in paragraph 10 shall not result in allocations per Member State higher than 108 % of their level in real terms for the 2014-2020 programming period. This adjustment shall be applied proportionately to all transfers (except for the European territorial development goal) to the Member State concerned in order to obtain the maximum level of transfer.	<i>[no change]</i>	11. The rules described in paragraph 10 shall not result in allocations per Member State higher than <del>108</del> <b>107%</b> of their level in real terms for the 2014-2020 programming period. This adjustment shall be applied proportionately to all transfers (except for the European territorial development goal) to the Member State concerned in order to obtain the maximum	<i>Provisional common understanding</i> 11. The rules described in paragraph 10 shall not result in allocations per Member State higher than <del>108</del> <b>107%</b> of their level in real terms for the 2014-2020 programming period. This adjustment shall be applied proportionately to all transfers (except for the European territorial development goal) to the Member State	VIII-125

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		level of transfer.	concerned in order to obtain the maximum level of transfer.	
12. The minimum total allocation from the Funds for a Member State shall correspond to 76% of its individual 2014-2020 total allocation. The adjustments needed to fulfil this requirement shall be applied proportionally to the allocations from the Funds, excluding the allocations under the European territorial cooperation goal.	<i>[no change]</i>	12. The minimum total allocation from the Funds for a Member State shall correspond to 76% of its individual 2014-2020 total allocation. <b>The minimum total allocation from the Funds for a Member State where at least one third of the population lives in NUTS level 2 regions with a GDP per capita (in PPS) of less than 50% of the EU-27 average, will correspond to 85% of its individual 2014-2020 total allocation.</b> The adjustments needed to fulfil this requirement shall be applied proportionally to the allocations from the Funds, excluding the allocations under the European territorial cooperation goal.	<i>Provisional common understanding</i>  12. The minimum total allocation from the Funds for a Member State shall correspond to 76% of its individual 2014-2020 total allocation. <b>The minimum total allocation from the Funds for a Member State where at least one third of the population lives in NUTS level 2 regions with a GDP per capita (in PPS) of less than 50% of the EU-27 average, will correspond to 85% of its individual 2014-2020 total allocation.</b> The adjustments needed to fulfil this requirement shall be applied proportionally to the allocations from the Funds, excluding the allocations under the European territorial cooperation goal.  <i>Comment: see EP AM in line VIII-14.</i>	VIII-126
13. The maximum total allocation from the Funds for a Member State having a GNI per capita (in PPS) of at least 120% of the EU-27 average shall correspond to its individual 2014-2020 total allocation. The adjustments needed to fulfil this requirement shall be applied proportionally to the allocations from the Funds, excluding the allocation under the European territorial cooperation	<i>[no change]</i>	13. The maximum total allocation from the Funds for a Member State having a GNI per capita (in PPS) of at least 120% of the EU-27 average shall correspond to <b>80% of its individual 2014-2020 total allocation.</b> <b>The maximum total allocation from the funds for a Member State having a GNI per capita (in PPS) equal to or above 110% and below 120% of the EU-27 average will correspond to 90% of its</b>	<i>Provisional common understanding</i>  13. The maximum total allocation from the Funds for a Member State having a GNI per capita (in PPS) of at least 120% of the EU-27 average shall correspond to <b>80% of its individual 2014-2020 total allocation.</b> <b>The maximum total allocation from the funds for a Member State having a GNI per capita (in PPS) equal to or above</b>	VIII-127

Commission proposal COM (2018) 375 (as amended by COM (2020) 23 final	Parliament position (Plenary mandate 29/3/19, WD 4/9/20)	Council position (Coreper partial mandate of 05/10/20)	Compromise proposal, comments	Rows
goal.		individual 2014-2020 total allocation. The adjustments needed to fulfil this requirement shall be applied proportionally to the allocations from the Funds, excluding the allocation under the European territorial cooperation goal. <b>If a Member State has transition regions for which paragraph 15a applies, 25% of that Member State's allocation for the more developed regions shall be transferred to the allocation of that Member State's transition regions.</b>	<b>110% and below 120% of the EU-27 average will correspond to 90% of its individual 2014-2020 total allocation.</b> The adjustments needed to fulfil this requirement shall be applied proportionally to the allocations from the Funds, excluding the allocation under the European territorial cooperation goal. <b>If a Member State has transition regions for which paragraph 15a applies, 25% of that Member State's allocation for the more developed regions shall be transferred to the allocation of that Member State's transition regions.</b>	
Additional provisions	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VIII-128
14. For all regions that were classified as less developed regions for the 2014-2020 programming period, but whose GDP per capita is above 75% of the EU-27 average, the minimum yearly level of support under the Investment for jobs and growth goal will correspond to 60% of their former indicative average annual allocation under the Investment for jobs and growth goal, calculated by the Commission within the multiannual financial framework 2014-2020.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>  <i>See EP AM in VIII-16, and line VIII-131 below.</i>	VIII-129
15. No transition region shall receive less than what it would have received if it had been a more developed region.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> <i>[no change]</i>	VIII-130

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		<p><b>15a. The minimum total allocation of a Member State for its transition regions, which were already transition regions in 2014-2020, shall correspond to a minimum of 65% of the total 2014-2020 allocation for these regions in that Member State.</b></p>	<p><i>Provisional common understanding</i></p> <p><b>15a. The minimum total allocation of a Member State for its transition regions, which were already transition regions in 2014-2020, shall correspond to a minimum of 65% of the total 2014-2020 allocation for these regions in that Member State.</b></p> <p><i>See EP AM in VIII-16, and line VIII-129 above.</i></p>	VIII-131
		<p><b>15b. Notwithstanding paragraphs 10 to 13, additional allocations as set out in paragraphs 16 to 20 shall apply.</b></p>	<p><i>Provisional common understanding</i></p> <p><b>15b. Notwithstanding paragraphs 10 to 13, additional allocations as set out in paragraphs 16 to 21 shall apply.</b></p>	VIII-132
<p>16. A total of EUR 60 000 000 will be allocated for the PEACE PLUS programme where it is acting in support of peace and reconciliation. In addition, at least EUR 60 000 000 shall be allocated for the PEACE PLUS programme from the allocation for Ireland under the European Territorial Cooperation goal (INTERREG) for the continuation of North-South cross border co-operation.</p>	<p><i>[no change]</i></p>	<p>16. A total of EUR <del>60 000 000</del> <b>120 000 000</b> will be allocated for the PEACE PLUS programme where it is acting in support of peace and reconciliation. <b>and of the continuation of North-South cross border co-operation.</b> In addition, at least EUR 60 000 000 shall be allocated for the PEACE PLUS programme from the allocation for Ireland under the European Territorial Cooperation goal (INTERREG) <del>for the continuation of North-South cross border co-operation.</del></p>	<p><i>Provisional common understanding</i></p> <p>16. A total of EUR <del>60 000 000</del> <b>120 000 000</b> will be allocated for the PEACE PLUS programme where it is acting in support of peace and reconciliation. <b>and of the continuation of North-South cross border co-operation.</b> In addition, at least EUR 60 000 000 shall be allocated for the PEACE PLUS programme from the allocation for Ireland under the European Territorial Cooperation goal (INTERREG) <del>for the continuation of North-South cross border co-operation.</del></p>	VIII-133



Commission proposal COM (2018) 375 (as amended by COM (2020) 23 final	Parliament position (Plenary mandate 29/3/19, WD 4/9/20)	Council position (Coreper partial mandate of 05/10/20)	Compromise proposal, comments	Rows
		<p><b>17. Where the population of a Member State has declined, on average, by more than 1% per year, between the periods 2007-2009 and 2016-2018, that Member State shall receive an additional allocation equivalent to the total fall in its population between those two periods multiplied by EUR 500. Where applicable, that additional allocation shall be allocated to the less developed regions in the Member State concerned.</b></p>	<p><i>Provisional common understanding</i></p> <p><b>17. Where the population of a Member State has declined, on average, by more than 1% per year, between the periods 2007-2009 and 2016-2018, that Member State shall receive an additional allocation equivalent to the total fall in its population between those two periods multiplied by EUR 500. Where applicable, that additional allocation shall be allocated to the less developed regions in the Member State concerned.</b></p>	VIII-134
		<p><b>18. The less developed regions of the Member States which have only started receiving support from the Funds in the 2014-2020 programming period, will receive an additional allocation of EUR 400 000 000.</b></p>	<p><i>Provisional common understanding</i></p> <p><b>18. The less developed regions of the Member States which have only started receiving support from the Funds in the 2014-2020 programming period, will receive an additional allocation of EUR 400 000 000.</b></p>	VIII-135
		<p><b>19. In order to recognise the challenges posed by the situation of island Member States and the remoteness of certain parts of the Union, Malta and Cyprus shall receive an additional allocation of EUR 100 000 000 each for the Structural Funds under the Investment for jobs and growth goal. The northern sparsely populated areas of Finland shall receive an additional allocation of EUR 100 000 000 to the amount referred to in paragraph 9.</b></p>	<p><i>Provisional common understanding</i></p> <p><b>19. In order to recognise the challenges posed by the situation of island Member States and the remoteness of certain parts of the Union, Malta and Cyprus shall receive an additional allocation of EUR 100 000 000 each for the Structural Funds under the Investment for jobs and growth goal. The northern sparsely populated areas of Finland shall receive an additional allocation of EUR 100 000</b></p>	VIII-136

Commission proposal COM (2018) 375 (as amended by COM (2020) 23 final	Parliament position (Plenary mandate 29/3/19, WD 4/9/20)	Council position (Coreper partial mandate of 05/10/20)	Compromise proposal, comments	Rows
			<b>000 to the amount referred to in paragraph 9.</b>	
		<b>20. In order to boost competitiveness, growth and job creation in certain Member States, the Funds will provide the following additional allocations under the Investment for jobs and growth goal:</b>	<i>Provisional common understanding</i> <b>20. In order to boost competitiveness, growth and job creation in certain Member States, the Funds will provide the following additional allocations under the Investment for jobs and growth goal:</b>	VIII-137
		<b>a) EUR 200 000 000 for the transition regions in Belgium;</b>	<i>Provisional common understanding</i> <b>a) EUR 200 000 000 for the transition regions in Belgium;</b>	VIII-138
		<b>b) EUR 200 000 000 for the less developed regions in Bulgaria;</b>	<i>Provisional common understanding</i> <b>b) EUR 200 000 000 for the less developed regions in Bulgaria;</b>	VIII-139
		<b>c) EUR 1 550 000 000 for the Czechia under the Cohesion Fund;</b>	<i>Provisional common understanding</i> <b>c) EUR 1 550 000 000 for the Czechia under the Cohesion Fund;</b>	VIII-140
		<b>d) EUR 100 000 000 for Cyprus under the Structural Funds;</b>	<i>Provisional common understanding</i> <b>d) EUR 100 000 000 for Cyprus under the Structural Funds;</b>	VIII-141
		<b>e) EUR 50 000 000 for Estonia under the Structural Funds;</b>	<i>Provisional common understanding</i> <b>e) EUR 50 000 000 for Estonia under the Structural Funds;</b>	VIII-142

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		<b>f) EUR 650 000 000 for the transition regions of Germany affected by paragraph 15a;</b>	<i>Provisional common understanding</i> <b>f) EUR 650 000 000 for the transition regions of Germany affected by paragraph 15a;</b>	VIII-143
		<b>g) EUR 50 000 000 for Malta under the Structural Funds;</b>	<i>Provisional common understanding</i> <b>g) EUR 50 000 000 for Malta under the Structural Funds;</b>	VIII-144
		<b>h) EUR 600 000 000 for the less developed regions in Poland;</b>	<i>Provisional common understanding</i> <b>h) EUR 600 000 000 for the less developed regions in Poland;</b>	VIII-145
		<b>EUR 300 000 000 for the transition regions in Portugal;</b>	<i>Provisional common understanding</i> <b>EUR 300 000 000 for the transition regions in Portugal;</b>	VIII-146
		<b>j) EUR 350 000 000 for the more developed region of Slovenia.</b>	<i>Provisional common understanding</i> <b>j) EUR 350 000 000 for the more developed region of Slovenia.</b>	VIII-147
			<b>21. An additional EUR 100 million shall support cross-border cooperation. It shall complete the allocations of resources by Member States pursuant to the weighted criteria detailed in subparagraphs a and b of paragraph 8.</b>	VIII-147a
The application of paragraphs 1 to 16 will result in Member State allocations as follows:	<i>[no change]</i>	<del>The application of paragraphs 1 to 16 will result in Member State allocations as follows:</del>	<i>Provisional common understanding</i> <del>The application of paragraphs 1 to 16 will result in Member State allocations as</del>	VIII-148

Commission proposal COM (2018) 375 (as amended by COM (2020) 23 final	<b>Parliament position</b> (Plenary mandate 29/3/19, WD 4/9/20)	<b>Council position</b> (Coreper partial mandate of 05/10/20)	<b>Compromise proposal, comments</b>	<b>Rows</b>
			follows:	
[Table with Member States national allocations]  [...]	<i>[no change]</i>	[Table with Member States national allocations]  [...]	<i>Provisional common understanding</i> [Table with Member States national allocations]  [...]	VIII-149