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#### **INFORMATION NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL 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 - Outcome of the European Parliament's first reading, (Strasbourg, 25 to 28 March 2019)

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#### **I. INTRODUCTION**

The rapporteurs, Andrey NOVAKOV (EPP, BG) and Constanze KREHL (S&D, DE), presented a report on the proposal for a Regulation on behalf of the Committee on Regional Development.

## II. VOTE

When it voted on 27 March 2019, the plenary adopted the report on the proposal for a Regulation.

The Commission's proposal as amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto<sup>1</sup>.

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<sup>1</sup> The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

**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 \*\*\*I**

**European Parliament legislative resolution of 27 March 2019 on the proposal for a regulation of the European Parliament and of the Council 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 (COM(2018)0375 – C8-0230/2018 – 2018/0196(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0375),
- having regard to Article 294(2) and Articles 177, 322(1)(a) and 349 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0230/2018),
- having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
- having regard to the opinion of the European Economic and Social Committee of 17 October 2018<sup>2</sup>,
- having regard to the opinion of the Committee of the Regions of 5 December 2018<sup>3</sup>,
- having regard to the opinion of the Court of Auditors of 25 October 2018<sup>4</sup>,
- having regard to Rule 59 of its Rules of Procedure,
- having regard to the report of the Committee on Regional Development and also the opinion of the Committee on Budgets, the position in the form of amendments of the Committee on Budgetary Control, the opinion of the Committee on Economic and Monetary Affairs, the Committee on Employment and Social Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on Transport and Tourism, the Committee on Agriculture and Rural Development, the Committee on Civil Liberties, Justice and Home Affairs and the position in the form of amendments of the Committee on Women's Rights and Gender Equality (A8-0043/2019),

1. Adopts its position at first reading hereinafter set out<sup>5</sup>;

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<sup>2</sup> OJ C 62, 15.2.2019, p. 83.

<sup>3</sup> OJ C 86, 7.3.2019, p. 41.

<sup>4</sup> OJ C 17, 14.1.2019, p. 1.

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>5</sup> This position corresponds to the amendments adopted on 13 February 2019 (Texts adopted, P8\_TA-PROV(2019)0096).

## Amendment 1

### Proposal for a regulation

#### Title

*Text proposed by the Commission*

*Amendment*

Proposal for a

Proposal for a

REGULATION OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL

REGULATION OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL

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, ***the European Agricultural Fund  
for Rural Development***, 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

## Amendment 2

### Proposal for a regulation

#### Recital 1

(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. ***These regions particularly benefit from cohesion policy.*** 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.

### **Amendment 3**

#### **Proposal for a regulation**

##### **Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*(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.*

### **Amendment 430**

#### **Proposal for a regulation**

##### **Recital 2**

*Text proposed by the Commission*

*Amendment*

(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 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.

(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 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 EMFF *and to a specific extent the European Agricultural Fund for Rural Development (EAFRD).*

## **Amendment 5**

### **Proposal for a regulation**

#### **Recital 4**

*Text proposed by the Commission*

(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.

*Amendment*

(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 ***in order to address their specific disadvantages related to their geographic location.***

**Amendment 6**

**Proposal for a regulation**

**Recital 5**

*Text proposed by the Commission*

(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

*Amendment*

(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 ***the Child***

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 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.

*and 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. ***In that context, the Funds should be implemented in a way which promotes deinstitutionalisation and community-based care.*** 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 ***or exclusion, or support infrastructure which is inaccessible to persons with a disability.*** 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 ***and taking into account the commitments agreed under the Paris Agreement.*** 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.  
*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.*

## Amendment 7

### Proposal for a regulation

#### Recital 9

##### *Text proposed by the Commission*

(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.

##### *Amendment*

(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 **mainstreaming** climate actions and to the achievement of an overall target of **30 %** of the EU budget expenditure supporting climate objectives.  
*Climate proofing mechanisms should be an integral part of programming and implementation.*

## Amendment 8

### Proposal for a regulation

#### Recital 9 a (new)

*Text proposed by the Commission*

*Amendment*

***(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.***

## Amendment 9

### Proposal for a regulation

#### Recital 10

*Text proposed by the Commission*

*Amendment*

(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

(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 management, transparency and non-discrimination.

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<sup>12</sup> OJ L [...], [...], p. [...].

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 management, transparency and non-discrimination. *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.*

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<sup>12</sup> OJ L [...], [...], p. [...].

## **Amendment 10**

### **Proposal for a regulation**

#### **Recital 11**

(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 partnership, Commission Delegated Regulation (EU) No 240/2014<sup>13</sup> ***should continue to apply.***

(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 ***regional, local, and other public authorities,*** civil society and social partners. In order to provide continuity in the organisation of partnership, ***the Commission should be empowered to amend and adapt*** Commission Delegated Regulation (EU) No 240/2014<sup>13</sup>.

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<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).

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<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).

## **Amendment 11**

### **Proposal for a regulation**

#### **Recital 12**

*Text proposed by the Commission*

*Amendment*

(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.* **deleted**

## **Amendment 12**

### **Proposal for a regulation**

#### **Recital 13**

*Text proposed by the Commission*

*Amendment*

(13) Member States should **determine**

(13) Member States should **take into**

*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.

*account* 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) in the preparation of programming documents, ***where they are consistent with the programme’s objectives***. 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, ***as well as of the European Pillar of Social Rights***. 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.

## Amendment 13

### Proposal for a regulation

#### Recital 14

*Text proposed by the Commission*

*Amendment*

(14) Member States should take account

(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.

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<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)].

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, ***including during the mid-term review***, as well as for the financial needs allocated for low-carbon investments.

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<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)].

## **Amendment 14**

### **Proposal for a regulation**

## **Recital 15**

*Text proposed by the Commission*

*Amendment*

(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 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.

(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 Agreements during the programming period. To facilitate the programming and avoid overlapping content in programming documents, *it should be possible for* Partnership Agreements *to* be included as part of a programme.

**Amendment 15**

**Proposal for a regulation**

**Recital 16**

*Text proposed by the Commission*

*Amendment*

(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 *could* have the flexibility to contribute to InvestEU for the provision of budgetary guarantees for investments in that Member State, *under certain conditions specified in Article 10*

## Amendment 16

### Proposal for a regulation

#### Recital 17

##### *Text proposed by the Commission*

(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 implemented consistently with the strategies and planning documents in place

##### *Amendment*

(17) To ensure the necessary prerequisites for the ***inclusive, non-discriminatory,*** 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 implemented consistently with the

underlying the fulfilled enabling conditions, thus ensuring that all co-financed operations are in line with the Union policy framework.

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.

## **Amendment 17**

### **Proposal for a regulation**

#### **Recital 18**

*Text proposed by the Commission*

(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.

*Amendment*

(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.

***This should allow project selection and evaluation to be result-driven.***

## **Amendment 18**

### **Proposal for a regulation**

#### **Recital 19**

(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.

(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, ***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.*** 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.

**Amendments 425/rev, 444/rev, 448 and 469**

## Proposal for a regulation

### Recital 20

*Text proposed by the Commission*

*Amendment*

*(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.* *deleted*

### Amendment 20

## Proposal for a regulation

## Recital 20 a (new)

*Text proposed by the Commission*

*Amendment*

**(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.*

## Amendment 21

### Proposal for a regulation

## Recital 22 a (new)

*Text proposed by the Commission*

*Amendment*

**(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 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.*

## **Amendment 22**

### **Proposal for a regulation**

#### **Recital 23**

(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 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.

(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', ***known as 'LEADER' under the EAFRD***), 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. ***The same should apply to related initiatives such as the Smart Villages.*** 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.

## Amendment 23

### Proposal for a regulation

#### Recital 24

##### *Text proposed by the Commission*

(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.

##### *Amendment*

(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 ***and administrative*** 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.

## Amendment 24

### Proposal for a regulation

## Recital 25

### *Text proposed by the Commission*

(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.

### *Amendment*

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

## Amendment 25

### Proposal for a regulation

## Recital 27

### *Text proposed by the Commission*

(27) In order to examine the performance of the programmes, the Member State should set up monitoring committees. For

### *Amendment*

(27) In order to examine the performance of the programmes, the Member State should set up monitoring committees,

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.

*consisting also of representatives of civil society and social partners.* 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.

## Amendment 26

### Proposal for a regulation

#### Recital 28

##### *Text proposed by the Commission*

(28) Pursuant to paragraphs 22 and 23 of the Inter-institutional agreement for Better Law-Making of 13 April 2016<sup>16</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, 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.

##### *Amendment*

(28) Pursuant to paragraphs 22 and 23 of the Inter-institutional agreement for Better Law-Making of 13 April 2016<sup>16</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, 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. *Indicators should be developed in a gender sensitive manner when possible.*

## Amendment 27

### Proposal for a regulation

#### Recital 29

##### *Text proposed by the Commission*

(29) To ensure availability of comprehensive up-to-date information on programme implementation, ***more frequent*** electronic reporting on quantitative data should be required.

##### *Amendment*

(29) To ensure availability of comprehensive up-to-date information on programme implementation, ***effective and timely*** electronic reporting on quantitative data should be required.

## Amendment 28

### Proposal for a regulation

#### Recital 30

##### *Text proposed by the Commission*

(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

##### *Amendment*

(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.

period, the Commission should carry out retrospective evaluations of the Funds, which should focus on the impact of the Funds. *The results of these evaluations should be made public.*

## Amendment 29

### Proposal for a regulation

#### Recital 34

##### *Text proposed by the Commission*

(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.

##### *Amendment*

(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. *Where a Member State intends to propose the use of a simplified cost option, it could consult the monitoring committee.*

## Amendment 30

### Proposal for a regulation

#### Recital 36

##### *Text proposed by the Commission*

(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.

##### *Amendment*

(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, ***as well as with projects funded under Horizon Europe and other Union programmes.***

## Amendment 31

### Proposal for a regulation

#### Recital 38

##### *Text proposed by the Commission*

(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

##### *Amendment*

(38) To ensure the ***inclusiveness,*** effectiveness, fairness and sustainable impact of the Funds, there should be provisions guaranteeing that investments in infrastructure or productive investment are

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.

***non-discriminatory and*** 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.

## Amendment 32

### Proposal for a regulation

#### Recital 40

##### *Text proposed by the Commission*

(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

##### *Amendment*

(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. ***This policy coordination should promote easy-to-use mechanisms and multi-level governance.*** 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

set out rules for complementary financing from the Funds.

in the same operation as long as double financing is avoided. This Regulation should therefore set out rules for complementary financing from the Funds.

### **Amendment 33**

#### **Proposal for a regulation**

##### **Recital 42 a (new)**

*Text proposed by the Commission*

*Amendment*

***(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).***

### **Amendment 34**

#### **Proposal for a regulation**

##### **Recital 44**

*Text proposed by the Commission*

*Amendment*

(44) In full respect of the applicable State aid and public procurement rules already clarified during the 2014-2020

(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.

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. ***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.***

## **Amendment 35**

### **Proposal for a regulation**

#### **Recital 45 a (new)**

*Text proposed by the Commission*

*Amendment*

***(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.***

## Amendment 36

### Proposal for a regulation

#### Recital 46

##### *Text proposed by the Commission*

(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 programming period, adapted as required, should be maintained, unless a new technology is necessary.

##### *Amendment*

(46) In order to hasten the start of programme implementation, the roll-over of implementation arrangements, ***including administrative and IT systems***, from the previous programming period should be facilitated ***where possible***. The use of the computerised system already established for the previous programming period, adapted as required, should be maintained, unless a new technology is necessary.

## Amendment 37

### Proposal for a regulation

#### Recital 48 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

***(48 a) 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.*

## Amendment 38

### Proposal for a regulation

#### Recital 50

#### *Text proposed by the Commission*

(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.

#### *Amendment*

(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 ***complexity and number of operations, the*** beneficiaries as well as the level of risk identified by previous management verifications and audits.  
***Management and control measures for the Funds should be proportionate to the level of risk to the Union budget.***

## Amendment 39

### Proposal for a regulation

#### Recital 58

##### *Text proposed by the Commission*

(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>18</sup>, and Regulations (Euratom, EC) No 2988/95<sup>19</sup> and No 2185/96<sup>20</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>21</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>22</sup> on the fight against 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

##### *Amendment*

(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>18</sup>, and Regulations (Euratom, EC) No 2988/95<sup>19</sup> and No 2185/96<sup>20</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>21</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>22</sup> on the fight against 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.

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<sup>18</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>19</sup> Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the

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 ***provide a detailed*** report to the Commission on detected irregularities including fraud, and on their follow-up as well as on the follow-up of OLAF investigations. ***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 budget.***

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<sup>18</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>19</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>20</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>21</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>22</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).

protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1).

<sup>20</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>21</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>22</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).

## **Amendment 40**

### **Proposal for a regulation**

#### **Recital 61**

*Text proposed by the Commission*

(61) Objective criteria should be

*Amendment*

(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>23</sup>, as amended by Commission Regulation (EU) *No 868/2014*<sup>24</sup>.

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<sup>23</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>24</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).

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>23</sup>, as *most recently* amended by Commission Regulation (EU) *No 2016/2066*<sup>24</sup>.

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<sup>23</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>24</sup> Commission Regulation (EU) *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 *322*, *29.11.2016*, p. 1).

## Amendment 41

### Proposal for a regulation

#### Recital 62

(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 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.

(62) In order to set out an appropriate financial framework for the ERDF, the ESF+, **the EMFF** 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 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.

## **Amendment 42**

### **Proposal for a regulation**

## Recital 63

### *Text proposed by the Commission*

(63) Trans-European transport networks projects in accordance with Regulation (EU) No [new CEF Regulation]<sup>25</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.

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<sup>25</sup> Regulation (EU) [...] of the European Parliament and of the Council of [...] on [CEF] (OJ L [...], [...], p. [...])

### *Amendment*

(63) Trans-European transport networks projects in accordance with Regulation (EU) No [new CEF Regulation]<sup>25</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 **4 000 000 000** of the Cohesion Fund should be transferred to the CEF for this purpose.

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<sup>25</sup> Regulation (EU) [...] of the European Parliament and of the Council of [...] on [CEF] (OJ L [...], [...], p. [...])

## Amendment 43

### Proposal for a regulation

## Recital 64

### *Text proposed by the Commission*

(64) A certain amount of the resources

### *Amendment*

(64) A certain amount of the resources

from ERDF, the ESF+ and the Cohesion Fund should be allocated to the European Urban Initiative which should be implemented through direct or indirect management by the Commission.

from ERDF, the ESF+ and the Cohesion Fund should be allocated to the European Urban Initiative which should be implemented through direct or indirect management by the Commission. ***Further reflection should be carried out in future on the specific support which is provided for disadvantaged regions and communities.***

#### **Amendment 44**

#### **Proposal for a regulation**

#### **Recital 65 a (new)**

*Text proposed by the Commission*

*Amendment*

***(65a) With a view to tackling the challenges faced by middle income regions, as described in the 7th cohesion report<sup>1a</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.***

*<sup>1a</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).*

## **Amendment 45**

### **Proposal for a regulation**

#### **Recital 66 a (new)**

*Text proposed by the Commission*

*Amendment*

*(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. 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.*

#### **Amendment 46**

#### **Proposal for a regulation**

#### **Recital 67**

##### *Text proposed by the Commission*

(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 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.

##### *Amendment*

(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 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, *while safeguarding no less favourable treatment due to shifts in their categorisation.*

#### **Amendment 47**

#### **Proposal for a regulation**

#### **Recital 69**

*Text proposed by the Commission*

(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 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.

*Amendment*

(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 amendment of the European code of conduct on partnership in order to adapt the code to this Regulation***, 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.

**Amendment 48**

**Proposal for a regulation**

**Recital 70**

*Text proposed by the Commission*

(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

*Amendment*

(70) It is of particular importance that the Commission carry out appropriate, ***transparent*** consultations ***with all interested parties*** during its preparatory work, including at expert level, and that

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.

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.

## **Amendment 49**

### **Proposal for a regulation**

#### **Recital 73**

##### *Text proposed by the Commission*

(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

##### *Amendment*

(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.

*specific challenges faced by* 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.

## Amendment 50

### Proposal for a regulation

#### Article 1 – paragraph 1 – point a

##### *Text proposed by the Commission*

(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 Asylum and Migration Fund ('AMIF'), the Internal

##### *Amendment*

(a) financial rules for the European Regional Development Fund ('ERDF'), the European Social Fund Plus ('ESF+'), the Cohesion Fund, ***the European Agricultural Fund for Rural Development ('EAFRD')***, the European Maritime and

Security Fund ('ISF') and the Border Management and Visa Instrument ('BMVI') ('the Funds');

Fisheries Fund ('EMFF'), the Asylum and Migration Fund ('AMIF'), the Internal Security Fund ('ISF') and the Border Management and Visa Instrument ('BMVI') ('the Funds');

## Amendment 431

### Proposal for a regulation

#### Article 1 – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

(b) common provisions applicable to the ERDF, the ESF+, the Cohesion Fund and the EMFF.

(b) common provisions applicable to the ERDF, the ESF+, the Cohesion Fund and the EMFF, ***and to the EAFRD as prescribed in paragraph 1a of this Article.***

## Amendment 432

### Proposal for a regulation

#### Article 1 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***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.*

## Amendment 54

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 1

##### *Text proposed by the Commission*

(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;

##### *Amendment*

(1) 'relevant country specific recommendations' mean Council recommendations adopted in accordance with **Articles 121(2) and (4)** 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;

## **Amendment 55**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(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;***

## **Amendment 56**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(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’);***

## Amendment 57

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 8 – point c

##### *Text proposed by the Commission*

(c) in the context of State aid schemes, the undertaking which receives the aid;

##### *Amendment*

(c) in the context of State aid schemes, the ***body or the*** undertaking, ***as appropriate***, which receives the aid, ***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>***;

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<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.***

## Amendment 58

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 9

*Text proposed by the Commission*

*Amendment*

(9) 'small project fund' means an operation in an Interreg programme aimed at the selection and implementation of projects of limited financial volume;

(9) 'small project fund' means an operation in an Interreg programme aimed at the selection and implementation of ***projects, including people-to-people*** projects of limited financial volume;

**Amendment 59**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 21**

*Text proposed by the Commission*

*Amendment*

(21) 'specific fund' means a fund, ***set-up*** by a managing authority or a holding fund, ***to*** provide financial products to final recipients;

(21) 'specific fund' means a fund ***set up*** by a managing authority or a holding fund ***through which they*** provide financial products to final recipients;

**Amendment 60**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 36 a (new)**

*Text proposed by the Commission*

*Amendment*

***(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;*

## Amendment 61

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 37

##### *Text proposed by the Commission*

(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.*

##### *Amendment*

(37) 'climate proofing' means a process to ensure that infrastructure is resilient to the adverse impacts of the climate in accordance with *internationally recognised standards or* national rules and guidance, where available, *that the energy efficiency first principle is respected and that specific emission reduction and decarbonisation pathways are chosen;*

## Amendment 62

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 37 a (new)

*Text proposed by the Commission*

*Amendment*

**(37a) ‘EIB’ means the European Investment Bank, the European Investment Fund or any subsidiary of the European Investment Bank.**

## **Amendment 63**

### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) a smarter Europe by promoting innovative and smart economic transformation;

(a) a ***more competitive and*** smarter Europe by promoting innovative and smart economic transformation ***and strengthening small and medium-sized enterprises;***

## **Amendment 64**

### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) a greener, low-carbon Europe by

(b) a greener, low-carbon ***transitioning***

promoting clean and fair energy transition, green and blue investment, the circular economy, climate adaptation and risk prevention and management;

***towards a net zero carbon economy and resilient*** Europe by promoting clean and fair energy transition, green and blue investment, the circular economy, climate ***change mitigation and*** adaptation and risk prevention and management;

## Amendment 65

### Proposal for a regulation

#### Article 4 – paragraph 1 – point c

*Text proposed by the Commission*

*Amendment*

(c) a more connected Europe by enhancing mobility and regional ICT connectivity;

(c) a more connected Europe by enhancing mobility, ***including smart and sustainable mobility***, and regional ICT connectivity;

## Amendment 66

### Proposal for a regulation

#### Article 4 – paragraph 1 – point d

*Text proposed by the Commission*

*Amendment*

(d) a more social Europe implementing the European Pillar of Social Rights;

(d) a more social ***and inclusive*** Europe implementing the European Pillar of Social Rights;

## Amendment 67

### Proposal for a regulation

#### Article 4 – paragraph 1 – point e

##### *Text proposed by the Commission*

(e) a Europe closer to citizens by fostering the sustainable and integrated development of ***urban, rural and coastal*** areas and local initiatives.

##### *Amendment*

(e) a Europe closer to citizens by fostering the sustainable and integrated development of ***all regions***, areas and local initiatives.

## Amendment 68

### Proposal for a regulation

#### Article 4 – paragraph 3

##### *Text proposed by the Commission*

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

##### *Amendment*

3. Member States ***shall ensure climate proofing for relevant operations through the entire planning and implementation process and*** 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

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.

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.

## Amendment 69

### Proposal for a regulation

#### Article 4 – paragraph 4

##### *Text proposed by the Commission*

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.

##### *Amendment*

4. ***In accordance with their respective responsibilities and in line with the principles of subsidiarity and multilevel governance,*** 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 ***in order*** to avoid duplication during planning and implementation.

## Amendment 70

### Proposal for a regulation

#### Article 4 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4 a. Member States and the Commission shall ensure compliance with relevant State aid rules.**

## Amendment 71

### Proposal for a regulation

#### Article 5 – paragraph 1

*Text proposed by the Commission*

*Amendment*

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').

1. The Member States, ***in accordance with their institutional and legal framework***, and the Commission shall implement the budget of the Union allocated to the Funds under shared management in accordance with Article [63] of Regulation (EU, Euratom) [number of the new financial regulation] (the 'Financial Regulation').

## Amendment 72

## Proposal for a regulation

### Article 5 – paragraph 2

*Text proposed by the Commission*

2. **However**, the Commission shall implement the amount of support from the Cohesion Fund transferred to the Connecting Europe Facility ('CEF'), the European Urban Initiative, Interregional Innovative Investments, the amount of support transferred from the ESF+ to transnational cooperation, the amounts contributed to InvestEU<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.

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<sup>37</sup> [Regulation (EU) No [...] on [...] (OJ L [...], [...], p. [...])].

*Amendment*

2. **Without prejudice to Article 1(2)**, the Commission shall implement the amount of support from the Cohesion Fund transferred to the Connecting Europe Facility ('CEF'), the European Urban Initiative, Interregional Innovative Investments, the amount of support transferred from the ESF+ to transnational cooperation, the amounts contributed to InvestEU<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.

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<sup>37</sup> [Regulation (EU) No [...] on [...] (OJ L [...], [...], p. [...])].

### Amendment 73

## Proposal for a regulation

### Article 5 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. The Commission may implement outermost regions' cooperation under the European territorial cooperation goal (Interreg) under indirect management.

3. The Commission may, ***with the agreement of the Member State and the region concerned***, implement outermost regions' cooperation under the European territorial cooperation goal (Interreg) under indirect management.

## **Amendment 74**

### **Proposal for a regulation**

#### **Article 6 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. Each Member State shall organise a partnership ***with the competent regional and local authorities***. That partnership shall include at least the following partners:

##### *Amendment*

1. ***For the Partnership Agreement and each programme***, each Member State shall, ***in accordance with its institutional and legal framework***, organise a ***fully - fledged, effective*** partnership. That partnership shall include at least the following partners:

## **Amendment 75**

### **Proposal for a regulation**

#### **Article 6 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) urban and other public authorities;

(a) ***regional, local***, urban and other public authorities;

## **Amendment 76**

### **Proposal for a regulation**

#### **Article 6 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(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.

(c) relevant bodies representing civil society, ***such as*** environmental partners, ***non-governmental organisations***, and bodies responsible for promoting social inclusion, fundamental rights, rights of persons with disabilities, gender equality and non-discrimination.

## **Amendment 77**

### **Proposal for a regulation**

#### **Article 6 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(c a) research institutions and universities, where appropriate.*

## Amendments 78 and 459

### Proposal for a regulation

#### Article 6 – paragraph 2

##### *Text proposed by the Commission*

2. In accordance with the multi-level governance principle, the Member State shall involve those partners in the preparation of Partnership Agreements and throughout the preparation *and* implementation of programmes including through participation in monitoring committees in accordance with Article 34.

##### *Amendment*

2. In accordance with the multi-level governance principle *and following a bottom-up approach*, the Member State shall involve those partners in the preparation of Partnership Agreements and throughout the preparation, implementation *and evaluation* of programmes including through participation in monitoring committees in accordance with Article 34. *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.*

## Amendment 79

### Proposal for a regulation

#### Article 6 – paragraph 3

##### *Text proposed by the Commission*

3. The organisation and implementation of partnership shall be carried out in accordance with Commission Delegated Regulation (EU) No 240/2014<sup>38</sup>.

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<sup>38</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).

##### *Amendment*

3. The organisation and implementation of partnership shall be carried out in accordance with Commission Delegated Regulation (EU) No 240/2014<sup>38</sup>. ***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.***

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<sup>38</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).

## Amendment 80

### Proposal for a regulation

#### Article 6 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. At least once a year, the Commission shall consult the organisations which represent the partners at Union level on the implementation of programmes.

4. At least once a year, the Commission shall consult the organisations which represent the partners at Union level on the implementation of programmes, ***and shall report to the European Parliament and Council on the outcome.***

## **Amendment 81**

### **Proposal for a regulation**

#### **Article 6 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Article 6 a***

##### ***Horizontal Principles***

***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.***

***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.*

*3. Member States and the Commission shall take appropriate steps to prevent any discrimination based on gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the preparation, implementation, monitoring, reporting and evaluation of programmes. In particular, accessibility for persons with disabilities shall be taken into account throughout the preparation and implementation of programmes.*

*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.*

*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.*

## **Amendment 82**

### **Proposal for a regulation**

#### **Article 7 – paragraph 1**

##### *Text proposed by the Commission*

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.

##### *Amendment*

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.  
*Such Partnership Agreement shall be prepared in accordance with the code of conduct established by the Commission Delegated Regulation (EU) No 240/2014.*

## **Amendment 83**

### **Proposal for a regulation**

#### **Article 7 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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.

2. The Member State shall submit the Partnership Agreement to the Commission before or at the same time as the submission of the first programme, ***but not later than 30 April 2021.***

**Amendment 84**

**Proposal for a regulation**

**Article 7 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The Partnership Agreement may be submitted together with the relevant annual National Reform Programme.

3. The Partnership Agreement may be submitted together with the relevant annual National Reform Programme ***and the National Energy and Climate Plan.***

**Amendment 85**

**Proposal for a regulation**

**Article 8 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) the selected policy objectives

(a) the selected policy objectives

indicating by which of the Funds and programmes they will be pursued and a justification thereto, ***and where relevant, a justification for using the delivery mode of the InvestEU***, taking into account relevant country-specific recommendations;

indicating by which of the Funds and programmes they will be pursued and a justification thereto, taking into account ***and listing*** relevant country-specific recommendations, ***as well as regional challenges***;

## **Amendment 86**

### **Proposal for a regulation**

#### **Article 8 – paragraph 1 – point b – point i**

##### *Text proposed by the Commission*

(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***;

##### *Amendment*

(i) a summary of the policy choices and the main results expected for each of the Funds;

## **Amendment 87**

### **Proposal for a regulation**

#### **Article 8 – paragraph 1 – point b – point ii**

##### *Text proposed by the Commission*

(ii) coordination, demarcation and complementarities between the Funds and,

##### *Amendment*

(ii) coordination, demarcation and complementarities between the Funds and,

where appropriate, coordination between national and regional programmes;

where appropriate, coordination between national and regional programmes, *in particular with regard to CAP Strategic Plans referred to in Regulation (EU) [...] (the 'CAP Strategic Plans Regulation');*

## Amendment 88

### Proposal for a regulation

#### Article 8 – paragraph 1 – point b – point iii

##### *Text proposed by the Commission*

(iii) complementarities between the Funds and other Union instruments, including LIFE strategic integrated projects and strategic nature projects;

##### *Amendment*

(iii) complementarities *and synergies* between the Funds and other Union instruments, including LIFE strategic integrated projects and strategic nature projects, *and, where appropriate, projects funded under Horizon Europe;*

## Amendment 89

### Proposal for a regulation

#### Article 8 – paragraph 1 – point b – point iii a (new)

##### *Text proposed by the Commission*

##### *Amendment*

*(iii a) delivery on targets, policies and measures under the National Energy and*

## **Amendment 90**

### **Proposal for a regulation**

#### **Article 8 – paragraph 1 – point c**

##### *Text proposed by the Commission*

(c) the preliminary financial allocation from each of the Funds by policy objective at national level, respecting Fund-specific rules on thematic concentration;

##### *Amendment*

(c) the preliminary financial allocation from each of the Funds by policy objective at national ***and where appropriate at regional*** level, respecting Fund-specific rules on thematic concentration;

## **Amendment 91**

### **Proposal for a regulation**

#### **Article 8 – paragraph 1 – point d**

##### *Text proposed by the Commission*

(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;

##### *Amendment*

(d) 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;

## Amendment 92

### Proposal for a regulation

#### Article 8 – paragraph 1 – point e

*Text proposed by the Commission*

*Amendment*

***(e) the amounts to be contributed to InvestEU by Fund and by category of regions;***

***deleted***

## Amendment 93

### Proposal for a regulation

#### Article 8 – paragraph 1 – point g

*Text proposed by the Commission*

*Amendment*

***(g) a summary of the actions which the Member State concerned shall take to reinforce its administrative capacity of the implementation of the Funds.***

***(g) a summary of the actions which the Member State concerned shall take to reinforce its administrative capacity of the implementation of the Funds **and its management and control system.*****

## Amendment 94

### Proposal for a regulation

**Article 8 – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

*(ga) where appropriate, an integrated approach to address the demographic challenges and/ or specific needs of regions and areas;*

**Amendment 95**

**Proposal for a regulation**

**Article 8 – paragraph 1 – point g b (new)**

*Text proposed by the Commission*

*Amendment*

*(g b) a communication and visibility strategy.*

**Amendment 96**

**Proposal for a regulation**

**Article 8 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*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.*

## Amendment 97

### Proposal for a regulation

#### Article 8 – paragraph 2

##### *Text proposed by the Commission*

With regard to the European territorial cooperation goal (Interreg), the Partnership Agreement shall only contain the list of planned programmes.

##### *Amendment*

With regard to the European territorial cooperation goal (Interreg), the Partnership Agreement shall only contain the list of planned programmes ***and the cross-border investment needs in the concerned Member State.***

## Amendment 98

### Proposal for a regulation

#### Article 9 – paragraph 1

##### *Text proposed by the Commission*

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

##### *Amendment*

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, take into account ***the provisions of Article 4 and 6, the*** relevant

recommendations.

country-specific recommendations, *as well as the measures linked to integrated national energy and climate plans and the way they are addressed.*

## Amendment 99

### Proposal for a regulation

#### Article 9 – paragraph 2

*Text proposed by the Commission*

2. The Commission may make observations within **three** months of the date of submission by the Member State of the Partnership Agreement.

*Amendment*

2. The Commission may make observations within **two** months of the date of submission by the Member State of the Partnership Agreement.

## Amendment 100

### Proposal for a regulation

#### Article 9 – paragraph 3

*Text proposed by the Commission*

3. The Member State shall review the Partnership Agreement taking into account the observations **made by** the Commission.

*Amendment*

3. The Member State shall review the Partnership Agreement taking into account the observations made by the Commission ***within one month of the date of their submission.***

## Amendment 101

### Proposal for a regulation

#### Article 9 – paragraph 4

##### *Text proposed by the Commission*

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.

##### *Amendment*

4. The Commission shall adopt a decision by means of an implementing act approving the Partnership Agreement no later than four months after the date of *the first* submission of that Partnership Agreement by the Member State concerned. The Partnership Agreement shall not be amended.

## Amendment 428

### Proposal for a regulation

#### Article 10 – paragraph 1

##### *Text proposed by the Commission*

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

##### *Amendment*

1. *As of 1 January 2023*, Member States, *with the agreement of the managing authorities concerned*, may allocate, in the request for an amendment of a programme, *up to 2%* of ERDF, the ESF+, the Cohesion Fund and the EMFF to

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.*

be contributed to InvestEU and delivered through budgetary guarantees. *Up to 3% of the total allocation of each Fund may be further allocated to InvestEU under the mid-term review.* Such contributions shall *be available for investments in line with cohesion policy objectives and in the same category of regions targeted by the Funds of origin. Whenever an amount of ERDF, ESF+, Cohesion Fund is contributed to Invest EU, the enabling conditions as described in Article 11 and in Annexes III and IV to this Regulation shall apply. Only resources of future calendar years may be allocated.*

## Amendment 103

### Proposal for a regulation

#### Article 10 – paragraph 2

*Text proposed by the Commission*

*Amendment*

*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.*

*deleted*

## Amendment 104

## Proposal for a regulation

### Article 10 – paragraph 3

*Text proposed by the Commission*

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.

*Amendment*

3. The amount referred to in paragraph 1 shall be used for the provisioning of the part of the EU guarantee under the **respective** Member State compartment.

### Amendment 105

## Proposal for a regulation

### Article 10 – paragraph 4 – subparagraph 1

*Text proposed by the Commission*

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.

*Amendment*

Where a contribution agreement, as set out in Article [9] of the [InvestEU Regulation], has not been concluded by 31 December **2023** for an amount referred to in paragraph 1, the Member State shall submit a request for amendment of a programme or programmes to use the corresponding amount.

### Amendment 106

## Proposal for a regulation

### Article 10 – paragraph 4 – subparagraph 2

#### *Text proposed by the Commission*

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.

#### *Amendment*

The contribution agreement for an amount referred to in paragraph 1 allocated in the request of the amendment of a programme shall be concluded, ***or amended as the case may be***, simultaneously with the adoption of the decision amending the programme.

### Amendment 107

## Proposal for a regulation

### Article 10 – paragraph 5

#### *Text proposed by the Commission*

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 ***a*** programme or programmes and the Member State shall submit a corresponding request for a programme amendment.

#### *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 ***the original*** programme or programmes and the Member State shall submit a corresponding request for a programme amendment. ***In***

*this particular case, resources of past calendar years may be modified, as long as the commitments are not yet implemented.*

## Amendment 108

### Proposal for a regulation

#### Article 10 – paragraph 7

##### *Text proposed by the Commission*

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.

##### *Amendment*

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 ***the local or regional authority concerned by the contribution*** and shall be used for support under the same objective or objectives in the form of financial instruments.

## Amendment 109

### Proposal for a regulation

#### Article 11 – paragraph 1 – subparagraph 1

##### *Text proposed by the Commission*

For each specific objective, prerequisite

##### *Amendment*

For each specific objective, prerequisite

conditions for its effective and efficient implementation ('enabling conditions') are laid down in this Regulation.

conditions for its effective and efficient implementation ('enabling conditions') are laid down in this Regulation. ***Enabling conditions shall apply to the extent to which they contribute to the achievement of the specific objectives of the programme.***

## Amendment 110

### Proposal for a regulation

#### Article 11 – paragraph 2

##### *Text proposed by the Commission*

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 justification.

##### *Amendment*

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 justification. ***On the request of a Member State, the EIB may contribute to the assessments of actions needed to fulfil the***

*relevant enabling conditions.*

## Amendment 111

### Proposal for a regulation

#### Article 11 – paragraph 4 – subparagraph 1

##### *Text proposed by the Commission*

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.

##### *Amendment*

The Commission shall, within **two** 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.

## Amendment 112

### Proposal for a regulation

#### Article 11 – paragraph 4 – subparagraph 2

##### *Text proposed by the Commission*

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**.

##### *Amendment*

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 **maximum two months**.

## Amendment 113

### Proposal for a regulation

#### Article 11 – paragraph 5 – subparagraph 1

##### *Text proposed by the Commission*

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.

##### *Amendment*

Expenditure related to operations linked to the specific objective ***may*** be included in payment applications ***before*** the Commission has informed the Member State of the fulfilment of the enabling condition pursuant to paragraph 4, ***without prejudice to the suspension of the reimbursement itself until such time as the condition is fulfilled.***

## Amendment 115

### Proposal for a regulation

#### Article 12 – paragraph 1 – subparagraph 1

##### *Text proposed by the Commission*

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

##### *Amendment*

The Member State, ***where appropriate, in cooperation with local and regional authorities,*** shall establish a performance framework which shall allow monitoring, reporting on and evaluating programme performance during its implementation,

Funds.

and contribute to measuring the overall performance of the Funds.

## Amendment 116

### Proposal for a regulation

#### Article 12 – paragraph 2

##### *Text proposed by the Commission*

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.

##### *Amendment*

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(1)(xi)] of the ESF+ Regulation.

## Amendment 117

### Proposal for a regulation

#### Article 14 – paragraph 1 – introductory part

##### *Text proposed by the Commission*

1. For programmes supported by the ERDF, the ESF+ and the Cohesion Fund, the Member State shall review each programme, taking into account the

##### *Amendment*

1. For programmes supported by the ERDF, the ESF+ and the Cohesion Fund, the Member State ***and relevant managing authorities*** shall review each programme,

following elements:

taking into account the following elements:

## Amendment 118

### Proposal for a regulation

#### Article 14 – paragraph 1 – point a

*Text proposed by the Commission*

*Amendment*

(a) ***the*** challenges identified in relevant country-specific recommendations adopted in 2024;

(a) ***new*** challenges identified in relevant country-specific recommendations adopted in 2024 ***and the targets identified in the implementation of the integrated national climate and energy plans, if relevant;***

## Amendment 119

### Proposal for a regulation

#### Article 14 – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

(b) the socio-economic situation of the Member State or region concerned;

(b) the socio-economic situation of the Member State or region concerned, ***including the state of implementation of the European Pillar of Social Rights and territorial needs with a view to reducing disparities, as well as economic and social inequalities;***

## Amendment 120

### Proposal for a regulation

#### Article 14 – paragraph 1 – point d a (new)

*Text proposed by the Commission*

*Amendment*

***(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.***

## Amendment 121

### Proposal for a regulation

#### Article 14 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

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

***In accordance with the outcome of the review,*** 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) ***or state that no amendment is***

paragraph 1.

*requested.* The Member State shall justify the amendment on the basis of the elements set out in paragraph 1 *or, as appropriate, give reasons for not requesting the amendment of a programme.*

## Amendment 122

### Proposal for a regulation

#### Article 14 – paragraph 2 – subparagraph 2 – point a

*Text proposed by the Commission*

*Amendment*

(a) the allocations of the financial resources by priority including the amounts for the years 2026 and 2027;

(a) the ***revised initial*** allocations of the financial resources by priority including the amounts for the years 2026 and 2027;

## Amendment 123

### Proposal for a regulation

#### Article 14 – paragraph 2 – subparagraph 2 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(b a) the amounts to be contributed to InvestEU per Fund and per category of region, where appropriate;***

## Amendment 124

### Proposal for a regulation

#### Article 14 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***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.***

**Amendments 425/rev, 444/rev, 448 and 469**

### Proposal for a regulation

#### Article 15

*Text proposed by the Commission*

*Amendment*

***[...]***

***deleted***

## Amendment 140

### Proposal for a regulation

## Article 16 – paragraph 1

*Text proposed by the Commission*

1. Member States shall prepare programmes to implement the Funds for the period from 1 January 2021 to 31 December 2027.

*Amendment*

1. Member States ***in cooperation with the partners referred to in Article 6*** shall prepare programmes to implement the Funds for the period from 1 January 2021 to 31 December 2027.

## Amendment 141

### Proposal for a regulation

## Article 17 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

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.

*Amendment*

A programme shall consist of priorities. Each priority shall correspond to ***one or several*** policy ***objectives*** or to technical assistance. A priority corresponding to a policy objective shall consist of one or more specific objectives. More than one priority may correspond to the same policy objective.

## Amendment 142

### Proposal for a regulation

## Article 17 – paragraph 3 – subparagraph 1 – point a – point i

*Text proposed by the Commission*

*Amendment*

(i) economic, social and territorial disparities, except for programmes supported by the EMFF;

(i) economic, social and territorial disparities *as well as inequalities*, except for programmes supported by the EMFF;

**Amendment 143**

**Proposal for a regulation**

**Article 17 – paragraph 3 – subparagraph 1 – point a – point ii**

*Text proposed by the Commission*

*Amendment*

(ii) market failures, investment needs and complementarity with other forms of support;

(ii) market failures, investment needs and complementarity *and synergies* with other forms of support;

**Amendment 144**

**Proposal for a regulation**

**Article 17 – paragraph 3 – subparagraph 1 – point a – point iii**

*Text proposed by the Commission*

*Amendment*

(iii) challenges identified in relevant country-specific recommendations *and other relevant Union recommendations addressed to the Member State*;

(iii) challenges identified in *the* relevant country-specific recommendations;

## Amendment 145

### Proposal for a regulation

#### Article 17 – paragraph 3 – subparagraph 1 – point a – point iv

*Text proposed by the Commission*

*Amendment*

(iv) challenges in administrative capacity  
and governance;

(iv) challenges in administrative capacity  
and governance ***and simplification  
measures;***

## Amendment 146

### Proposal for a regulation

#### Article 17 – paragraph 3 – subparagraph 1 – point a – point iv a (new)

*Text proposed by the Commission*

*Amendment*

***(iv a) an integrated approach to address  
demographic challenges, where relevant;***

## Amendment 147

### Proposal for a regulation

#### Article 17 – paragraph 3 – subparagraph 1 – point a – point vi a (new)

***(vi a) challenges and related objectives identified within National Energy and Climate Plans and in the European Pillar of Social Rights;***

**Amendment 148**

**Proposal for a regulation**

**Article 17 – paragraph 3 – subparagraph 1 – point a – point vii**

*Text proposed by the Commission*

*Amendment*

(vii) for programmes supported by the AMIF, the ISF and the BMVI, progress in implementing the relevant Union acquis and action plans;

(vii) for programmes supported by the AMIF, the ISF and the BMVI, progress in implementing the relevant Union acquis and action plans, ***as well as identified shortcomings;***

**Amendment 149**

**Proposal for a regulation**

**Article 17 – paragraph 3 – subparagraph 1 – point d – point i**

*Text proposed by the Commission*

*Amendment*

(i) the related types of actions, including

(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;

*an indicative* list *and timetable* of planned operations of strategic importance, and their expected contribution to those specific objectives and to macro-regional strategies and sea-basin strategies, where appropriate;

## Amendment 150

### Proposal for a regulation

#### Article 17 – paragraph 3 – subparagraph 1 – point d – point iii a (new)

*Text proposed by the Commission*

*Amendment*

*(iii a) actions safeguarding equality, inclusion and non-discrimination;*

## Amendment 151

### Proposal for a regulation

#### Article 17 – paragraph 3 – subparagraph 1 – point d – point v

*Text proposed by the Commission*

*Amendment*

(v) the interregional and transnational actions with beneficiaries located in at least one other Member State;

(v) the interregional, *cross-border* and transnational actions with beneficiaries located in at least one other Member State;

## Amendment 152

### Proposal for a regulation

#### Article 17 – paragraph 3 – subparagraph 1 – point d – point v a (new)

*Text proposed by the Commission*

*Amendment*

***(va ) sustainability of investments;***

## Amendment 153

### Proposal for a regulation

#### Article 17 – paragraph 3 – subparagraph 1 – point d – point vii a (new)

*Text proposed by the Commission*

*Amendment*

***(vii a) a description of how complementarities and synergies with other Funds and instruments are to be pursued;***

## Amendment 154

### Proposal for a regulation

#### Article 17 – paragraph 3 – subparagraph 1 – point i

*Text proposed by the Commission*

*Amendment*

(i) the envisaged approach to

(i) the envisaged approach to

communication and visibility for the programme through defining its objectives, target audiences, communication channels, social media outreach, planned budget and relevant indicators for monitoring and evaluation;

communication and visibility for the programme through defining its objectives, target audiences, communication channels, *where appropriate* social media outreach, *as well as* planned budget and relevant indicators for monitoring and evaluation;

## Amendment 155

### Proposal for a regulation

#### Article 17 – paragraph 3 – subparagraph 1 – point j

##### *Text proposed by the Commission*

(j) the managing authority, the audit authority and the body which receives payments from the Commission.

##### *Amendment*

(j) the managing authority, the audit authority, *the body responsible for the accounting function under Article 70*, and the body which receives payments from the Commission.

## Amendment 156

### Proposal for a regulation

#### Article 17 – paragraph 3 – subparagraph 2

##### *Text proposed by the Commission*

Points (c) and (d) of this paragraph shall not apply to the specific objective set out in

##### *Amendment*

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.

Article [4(1)(xi)] of the ESF+Regulation.

## Amendment 157

### Proposal for a regulation

#### Article 17 – paragraph 3 – subparagraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***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.***

## Amendment 158

### Proposal for a regulation

#### Article 17 – paragraph 6

*Text proposed by the Commission*

*Amendment*

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**.

6. For ERDF, ESF+ and Cohesion Fund programmes submitted in accordance with Article 16, the table referred to in paragraph (3)(f)(ii) shall include the amounts for the years 2021 to **2027**.

## Amendment 160

### Proposal for a regulation

#### Article 18 – paragraph 1

##### *Text proposed by the Commission*

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.

##### *Amendment*

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, ***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.***

## Amendment 161

### Proposal for a regulation

#### Article 18 – paragraph 2

##### *Text proposed by the Commission*

2. The Commission may make observations within ***three*** months of the

##### *Amendment*

2. The Commission may make observations within ***two*** months of the date

date of submission of the programme by the Member State.

of submission of the programme by the Member State.

## Amendment 162

### Proposal for a regulation

#### Article 18 – paragraph 3

##### *Text proposed by the Commission*

3. The Member State shall review the programme taking into account the observations made by the Commission.

##### *Amendment*

3. The Member State shall review the programme taking into account the observations made by the Commission ***within two months of their submission.***

## Amendment 163

### Proposal for a regulation

#### Article 18 – paragraph 4

##### *Text proposed by the Commission*

4. The Commission shall adopt a decision by means of an implementing act approving the programme no later than ***six*** months after the date of submission of the programme by the Member State.

##### *Amendment*

4. The Commission shall adopt a decision by means of an implementing act approving the programme no later than ***five*** months after the date of ***the first*** submission of the programme by the Member State.

## Amendment 164

### Proposal for a regulation

#### Article 19 – paragraph 2

##### *Text proposed by the Commission*

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.

##### *Amendment*

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 **two** months of the submission of the amended programme.

## Amendment 165

### Proposal for a regulation

#### Article 19 – paragraph 3

##### *Text proposed by the Commission*

3. The Member State shall review the amended programme and take into account the observations made by the Commission.

##### *Amendment*

3. The Member State shall review the amended programme and take into account the observations made by the Commission ***within two months of their submission.***

## Amendment 166

### Proposal for a regulation

## Article 19 – paragraph 4

### *Text proposed by the Commission*

4. The Commission shall approve the amendment of a programme no later than **six** months after its submission by the Member State.

### *Amendment*

4. The Commission shall approve the amendment of a programme no later than **three** months after its submission by the Member State.

## Amendment 167

### Proposal for a regulation

## Article 19 – paragraph 5 – subparagraph 1

### *Text proposed by the Commission*

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.

### *Amendment*

The Member State may transfer during the programming period an amount of up to **7** % of the initial allocation of a priority and no more than **5** % of the programme budget to another priority of the same Fund of the same programme. ***In doing so the Member State shall respect the code of conduct established by the Commission Delegated Regulation (EU) No 240/2014.*** For the programmes supported by the ERDF and ESF+, the transfer shall only concern allocations for the same category of region.

## Amendment 168

### Proposal for a regulation

#### Article 19 – paragraph 6

##### *Text proposed by the Commission*

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.

##### *Amendment*

6. The approval of the Commission shall not be required for corrections of a purely clerical, ***technical*** or editorial nature that do not affect the implementation of the programme. Member States shall inform the Commission of such corrections.

## Amendment 169

### Proposal for a regulation

#### Article 20 – paragraph 2

##### *Text proposed by the Commission*

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.

##### *Amendment*

2. The ERDF and the ESF+ may finance, in a complementary manner and subject to a limit of **15** % of support from those Funds for each priority of a programme, all or part of an operation for which the costs are eligible for support from the other Fund on the basis of eligibility rules applied to that Fund, provided that such costs are necessary for the implementation.

## Amendment 170

### Proposal for a regulation

#### Article 21 – paragraph 1

##### *Text proposed by the Commission*

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.*

##### *Amendment*

1. ***For the purpose of ensuring flexibility,*** Member States may request, ***if agreed by the monitoring committee of the programme,*** the transfer of up to 5% of programme financial allocations 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.***

## Amendments 171 and 434

### Proposal for a regulation

#### Article 21 – paragraph 2

##### *Text proposed by the Commission*

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***

##### *Amendment*

2. Transferred resources shall be implemented in accordance with the rules of the Fund or the instrument to which the resources are transferred.

*of transfers to instruments under direct or indirect management, for the benefit of the Member State concerned.*

## Amendments 172, 433 and 434

### Proposal for a regulation

#### Article 21 – paragraph 3

##### *Text proposed by the Commission*

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.

##### *Amendment*

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 ***with a view to the complementarities and impact to be achieved,*** 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.

## Amendment 173

### Proposal for a regulation

#### Title 3 – chapter 1 a (new)

*Text proposed by the Commission*

*Amendment*

***CHAPTER I a - Major projects***

**Amendment 174**

**Proposal for a regulation**

**Article 21 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 21 a***

***Content***

***As part of a programme or programmes, the ERDF and the Cohesion Fund may support an operation comprising a series of works, activities or services intended in itself to accomplish an indivisible task of a precise economic or technical nature which has clearly identified goals and for which the total eligible cost exceeds EUR 100 000 000 (the 'major project'). Financial instruments shall not be considered to be major projects.***

## Amendment 175

### Proposal for a regulation

#### Article 21 b (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 21 b*

***Information necessary for the approval of  
a major project***

***Before a major project is approved, the  
managing authority shall submit to the  
Commission the following information:***

***(a) details concerning the body to be  
responsible for implementation of the  
major project, and its capacity;***

***(b) a description of the investment and its  
location;***

***(c) the total cost and total eligible cost;***

***(d) feasibility studies carried out,  
including the options analysis, and the  
results;***

***(e) a cost-benefit analysis, including an  
economic and a financial analysis, and a  
risk assessment;***

***(f) an analysis of the environmental  
impact, taking into account climate***

*change adaptation and mitigation needs,  
and disaster resilience;*

*(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;*

*(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) 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.*

**Amendment 176**

**Proposal for a regulation**

**Article 21 c (new)**

***Article 21 c***

***Decision on a major project***

***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 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.***

***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.***

***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.***

*4. Major projects submitted for approval under paragraph 1 shall be contained in the list of major projects in a programme.*

*5. Expenditure relating to a major project may be included in a payment application after the submission for approval referred to in paragraph 1. Where the Commission does not approve the major project selected by the managing authority, the declaration of expenditure following the withdrawal of the application by the Member State or the adoption of the Commission decision shall be rectified accordingly.*

*(This amendment will require consequential adjustments to Annex V.)*

## **Amendment 177**

### **Proposal for a regulation**

#### **Article 22 – paragraph 1 – point c**

##### *Text proposed by the Commission*

(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).

##### *Amendment*

(c) another territorial tool supporting initiatives designed by the Member State for investments programmed under the policy objective referred in Article 4(1)(e).

## Amendment 178

### Proposal for a regulation

#### Article 22 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***The Member State shall ensure coherence and coordination when local development strategies are financed by more than one Fund.***

## Amendment 179

### Proposal for a regulation

#### Article 23 – paragraph 1 – subparagraph 1 – point a

*Text proposed by the Commission*

*Amendment*

(a) the geographical area covered by the strategy;

(a) the geographical area covered by the strategy ***including economic, social and environmental interlinkages;***

## Amendment 180

### Proposal for a regulation

#### Article 23 – paragraph 1 – subparagraph 1 – point d

*Text proposed by the Commission*

*Amendment*

(d) a description of the involvement of partners ***in accordance with*** Article 6 in the preparation and in the implementation of the strategy.

(d) a description of the involvement of partners ***under*** Article 6 in the preparation and in the implementation of the strategy.

**Amendment 181**

**Proposal for a regulation**

**Article 23 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Territorial strategies shall be ***drawn up*** under the responsibility of the relevant ***urban***, local ***or*** other territorial ***authorities or bodies***.

2. Territorial strategies shall be ***prepared and endorsed*** under the responsibility of the relevant ***regional***, local ***and*** other ***public authorities***. ***Pre-existing strategic documents concerning the covered areas may be updated and used for territorial strategies.***

**Amendment 182**

**Proposal for a regulation**

**Article 23 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

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.

Where the list of operations to be supported has not been included in the territorial strategy, the relevant **regional**, local or other territorial authorities or bodies shall select or shall be involved in the selection of operations.

## Amendment 183

### Proposal for a regulation

#### Article 23 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**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.**

## Amendment 184

### Proposal for a regulation

#### Article 23 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. Where **an urban**, local or other

4. Where **a regional**, local or other

***territorial*** authority or body carries out tasks falling under the responsibility of the managing authority other than the selection of operations, the authority shall be identified by the managing authority as an intermediate body.

***public*** authority or ***other*** body carries out tasks falling under the responsibility of the managing authority other than the selection of operations, the authority shall be identified by the managing authority as an intermediate body.

## Amendment 185

### Proposal for a regulation

#### Article 23 – paragraph 4 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***The selected operations may be supported under more than one priority of the same programme.***

## Amendment 186

### Proposal for a regulation

#### Article 24 – paragraph 1

*Text proposed by the Commission*

*Amendment*

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

1. Where a strategy implemented in accordance with Article 23 involves investments that receive support from one or more ***than one Fund***, from more than one programme or from more than one

of the same programme, actions may be carried out as an integrated territorial investment ('ITI').

priority of the same programme, actions may be carried out as an integrated territorial investment ('ITI'). ***Where appropriate, each ITI may be complemented by financial support from the EAFRD.***

## Amendment 187

### Proposal for a regulation

#### Article 24 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***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.***

## Amendment 188

### Proposal for a regulation

#### Article 25 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. The ERDF, the ESF+ ***and*** the EMFF ***may*** support community-led local

1. The ERDF, the ESF+, the EMFF ***and the EAFRD shall*** support community-led

development.

local development. *In the context of the EAFRD, such development shall be designated as LEADER local development.*

## Amendment 189

### Proposal for a regulation

#### Article 25 – paragraph 2 – point b

##### *Text proposed by the Commission*

(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;

##### *Amendment*

(b) led by local action groups composed of representatives of public and private local socio-economic interests, in which no single interest group, ***including the public sector,*** controls the decision-making;

## Amendment 190

### Proposal for a regulation

#### Article 25 – paragraph 2 – point d

##### *Text proposed by the Commission*

(d) supportive of networking, innovative features in the local context and, where appropriate, cooperation with other territorial actors.

##### *Amendment*

(d) supportive of networking, ***bottom-up approaches, accessibility,*** innovative features in the local context and, where appropriate, cooperation with other

territorial actors.

## Amendment 191

### Proposal for a regulation

#### Article 25 – paragraph 4

##### *Text proposed by the Commission*

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.

##### *Amendment*

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. ***The type of measures and operations to be financed by each affected Fund may also be specified.***

## Amendment 192

### Proposal for a regulation

#### Article 26 – paragraph 1 – point d

##### *Text proposed by the Commission*

(d) the objectives of that strategy, including measurable targets for results, and related planned actions;

##### *Amendment*

(d) the objectives of that strategy, including measurable targets for results, and related planned actions ***in response to local needs as identified by the local***

*community;*

## Amendment 193

### Proposal for a regulation

#### Article 26 – paragraph 1 – point f

##### *Text proposed by the Commission*

(f) a financial plan, including the planned allocation from each Fund and programme concerned.

##### *Amendment*

(f) a financial plan, including the planned allocation from each Fund, ***including where appropriate the EAFRD,*** and ***each*** programme concerned.

## Amendment 194

### Proposal for a regulation

#### Article 26 – paragraph 4

##### *Text proposed by the Commission*

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.

##### *Amendment*

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. ***Corresponding national public contributions shall be guaranteed upfront for the whole period.***

## Amendment 195

### Proposal for a regulation

#### Article 27 – paragraph 2

##### *Text proposed by the Commission*

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.

##### *Amendment*

2. The managing authorities shall ensure that the local action groups ***are inclusive, and that they*** either select one partner within the group as a lead partner in administrative and financial matters, or come together in a legally constituted common structure, ***in order to implement tasks relating to the community-led local development strategy.***

## Amendment 196

### Proposal for a regulation

#### Article 27 – paragraph 3 – point a

##### *Text proposed by the Commission*

(a) building the capacity of local actors to develop and implement operations;

##### *Amendment*

(a) building the ***administrative*** capacity of local actors to develop and implement operations;

## Amendment 197

### Proposal for a regulation

#### Article 27 – paragraph 5

##### *Text proposed by the Commission*

5. The local action group may be a beneficiary and may implement operations in accordance with the strategy.

##### *Amendment*

5. The local action group may be a beneficiary and may implement operations in accordance with the strategy,  
***encouraging the separation of functions inside the local action group.***

## Amendment 198

### Proposal for a regulation

#### Article 28 – paragraph 1 – introductory part

##### *Text proposed by the Commission*

1. The Member State shall ensure that support from the Funds for community-led local development covers:

##### *Amendment*

1. ***With a view to ensuring complementarities and synergies,*** the Member State shall ensure that support from the Funds for community-led local development covers:

## Amendment 199

### Proposal for a regulation

## Article 28 – paragraph 1 – point a

*Text proposed by the Commission*

(a) capacity building and preparatory actions supporting the design and future implementation of the strategies;

*Amendment*

(a) ***administrative*** capacity building and preparatory actions supporting the design and future implementation of the strategies;

## Amendment 200

### Proposal for a regulation

## Article 28 – paragraph 1 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(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;***

## Amendment 201

### Proposal for a regulation

## Article 29 – paragraph 1 a (new)

***1a. The actions referred to in the first subparagraph may include in particular:***

***(a) assistance for project preparation and appraisal;***

***(b) support for institutional strengthening and administrative capacity-building for the effective management of the Funds;***

***(c) studies linked to the Commission's reporting on the Funds and the cohesion report;***

***(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;***

***(e) evaluations, expert reports, statistics and studies, including those of a general nature, concerning the current and future operation of the Funds;***

***(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;*

*(g) the installation, operation and  
interconnection of computerised systems  
for management, monitoring, audit,  
control and evaluation;*

*(h) actions to improve evaluation methods  
and the exchange of information on  
evaluation practices;*

*(i) actions related to auditing;*

*(j) the strengthening of national and  
regional capacity regarding investment  
planning, funding needs, preparation,  
design and implementation of financial  
instruments, joint action plans and major  
projects;*

*(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.*

## **Amendment 202**

### **Proposal for a regulation**

#### **Article 29 – paragraph 1 b (new)**

***1b. The Commission shall dedicate at least 15 % of the resources for technical assistance at the initiative of the Commission to bring about greater efficiency in communication to the public and stronger synergies between the communication activities undertaken at the initiative of the Commission, by extending the knowledge base on results, in particular through more effective data collection and dissemination, evaluations and reporting, and especially by highlighting the contribution of the Funds to improving the lives of citizens, and by increasing the visibility of support from the Funds as well as by raising awareness about the results and the added value of such support. Information, communication and visibility measures on results and added value of support from the Funds, with particular focus on operations, shall be continued after the closure of the programmes, where appropriate. Such measures shall also contribute to the corporate communication of the political priorities of the Union as far as they are related to the general objectives of this Regulation.***

## Amendment 203

### Proposal for a regulation

#### Article 29 – paragraph 2

*Text proposed by the Commission*

2. Such actions may cover ***future and*** previous programming periods.

*Amendment*

2. Such actions may cover previous ***and future*** programming periods.

## Amendment 204

### Proposal for a regulation

#### Article 29 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2 a. 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.***

## Amendment 205

### Proposal for a regulation

## Article 30 – paragraph 1

### *Text proposed by the Commission*

1. At the initiative of a Member State, the Funds may support actions, which may concern previous and subsequent programming periods, necessary for the effective administration and use of those Funds.

### *Amendment*

1. At the initiative of a Member State, the Funds may support actions, which may concern previous and subsequent programming periods, necessary for the effective administration and use of those Funds, ***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.***

## Amendment 206

### Proposal for a regulation

## Article 30 – paragraph 3

### *Text proposed by the Commission*

3. Within each programme, technical assistance shall take the form of a priority relating to one single Fund.

### *Amendment*

3. Within each programme, technical assistance shall take the form of a priority relating to ***either*** one single Fund ***or several Funds.***

## Amendment 207

### Proposal for a regulation

#### Article 31 – paragraph 2 – introductory part

##### *Text proposed by the Commission*

2. The percentage of the Funds reimbursed for technical assistance *shall be the following*:

##### *Amendment*

2. ***On the basis of an agreement between the Commission and the Member States and taking into account the programme financial plan,*** the percentage of the Funds reimbursed for technical assistance ***may be up to***:

## Amendment 208

### Proposal for a regulation

#### Article 31 – paragraph 2 – point a

##### *Text proposed by the Commission*

(a) for the ERDF support under the Investment for jobs and growth goal, and for the Cohesion Fund support: **2,5 %**;

##### *Amendment*

(a) for the ERDF support under the Investment for jobs and growth goal, and for the Cohesion Fund support: **3 %**;

## Amendment 209

### Proposal for a regulation

#### Article 31 – paragraph 2 – point b

##### *Text proposed by the Commission*

(b) for the ESF+ support: **4%** and for programmes under Article **4(1)(c)(vii)** of the ESF+ Regulation: **5 %**;

##### *Amendment*

(b) for the ESF+ support: **5 %** and for programmes under Article **4(1)(xi)** of the ESF+ Regulation: **6 %**;

## Amendment 210

### Proposal for a regulation

#### Article 31 – paragraph 2 – point d

##### *Text proposed by the Commission*

(d) for the AMIF, the ISF and the BMVI support: **6 %**.

##### *Amendment*

(d) for the AMIF, the ISF and the BMVI support: **7 %**.

## Amendment 211

### Proposal for a regulation

#### Article 31 – paragraph 2 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***For the outermost regions, for (a), (b), (c)  
the percentage shall be up to 1% higher.***

## **Amendment 212**

### **Proposal for a regulation**

#### **Article 32 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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.

In addition to Article 31, the Member State may propose to undertake additional technical assistance actions to reinforce the ***institutional*** capacity ***and efficiency of public*** authorities ***and services***, beneficiaries and relevant partners necessary for the effective administration and use of the Funds.

## **Amendment 213**

### **Proposal for a regulation**

#### **Article 32 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

Support for such actions shall be

Support for such actions shall be

implemented by financing not linked to costs in accordance with Article 89.

implemented by financing not linked to costs in accordance with Article 89.

***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.***

## **Amendment 214**

### **Proposal for a regulation**

#### **Article 33 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

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.

##### *Amendment*

The Member State shall set up a committee to monitor the implementation of the programme ('monitoring committee'), ***after consultation with the managing authority,*** within three months of the date of notification to the Member State concerned of the decision approving the programme.

## **Amendment 215**

### **Proposal for a regulation**

#### **Article 33 – paragraph 2**

##### *Text proposed by the Commission*

##### *Amendment*

2. Each monitoring committee shall adopt its rules of procedure.

2. Each monitoring committee shall adopt its rules of procedure, *taking into account the need for full transparency*.

## **Amendment 216**

### **Proposal for a regulation**

#### **Article 33 – paragraph 5**

##### *Text proposed by the Commission*

5. Paragraphs 1 to 4 shall not apply to programmes under Article [4(c)(vi)] of the ESF+ Regulation and related technical assistance.

##### *Amendment*

5. Paragraphs 1 to 4 shall not apply to programmes under Article [4(1)(xi)] of the ESF+ Regulation and related technical assistance.

## **Amendment 217**

### **Proposal for a regulation**

#### **Article 34 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

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

##### *Amendment*

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.

representatives of the partners referred to in Article 6 *through a transparent process*.

## Amendment 218

### Proposal for a regulation

#### Article 34 – paragraph 2

##### *Text proposed by the Commission*

2. Representatives of the Commission shall participate in the work of the monitoring committee in an advisory capacity.

##### *Amendment*

2. Representatives of the Commission shall participate in the work of the monitoring committee in *a monitoring and* an advisory capacity. *Representatives of the EIB may be invited to participate in the work of the monitoring committee, in an advisory capacity, where appropriate.*

## Amendment 219

### Proposal for a regulation

#### Article 34 – paragraph 2 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

*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.*

#### **Amendment 220**

##### **Proposal for a regulation**

##### **Article 35 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

*(aa) proposals for possible simplification measures for beneficiaries;*

#### **Amendment 221**

##### **Proposal for a regulation**

##### **Article 35 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) any issues that affect the performance of the programme and the measures taken to address those issues;

(b) any issues that affect the performance of the programme and the measures taken to address those issues, *including also any irregularities, where appropriate;*

#### **Amendment 222**

##### **Proposal for a regulation**

## Article 35 – paragraph 1 – point i

*Text proposed by the Commission*

*Amendment*

(i) the progress in administrative capacity building for public institutions and beneficiaries, where relevant.

(i) the progress in administrative capacity building for public institutions, ***partners*** and beneficiaries, where relevant.

## Amendment 224

### Proposal for a regulation

## Article 35 – paragraph 2 – point b

*Text proposed by the Commission*

*Amendment*

(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) the annual performance reports for programmes supported by the EMFF, the ***AMIF***, the ISF and the BMVI, and the final performance report for programmes supported by the ERDF, the ESF+ and the Cohesion Fund;

## Amendment 225

### Proposal for a regulation

## Article 35 – paragraph 2 – point d a (new)

*Text proposed by the Commission*

*Amendment*

*(da) changes to the list of planned operations of strategic importance referred to in point (d) of Article 17(3);*

## **Amendment 226**

### **Proposal for a regulation**

#### **Article 35 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The monitoring committee may propose to the managing authority further functions of intervention.**

## **Amendment 227**

### **Proposal for a regulation**

#### **Article 36 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

An annual review meeting shall be organised between the Commission and each Member State to examine the performance of each programme.

An annual review meeting shall be organised between the Commission and each Member State to examine the performance of each programme.  
**Managing authorities shall be duly involved in this process.**

## Amendment 228

### Proposal for a regulation

#### Article 36 – paragraph 6

##### *Text proposed by the Commission*

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.

##### *Amendment*

6. For programmes supported by the EMFF, the *AMIF*, the ISF and the BMVI, the Member State shall submit an annual performance report in accordance with the Fund-specific Regulations.

## Amendment 229

### Proposal for a regulation

#### Article 37 – paragraph 1 – subparagraph 2

##### *Text proposed by the Commission*

The first transmission shall be due by **31 January** 2022 and the last one by **31 January** 2030.

##### *Amendment*

The first transmission shall be due by **28 February** 2022 and the last one by **28 February** 2030.

## Amendment 230

### Proposal for a regulation

#### Article 37 – paragraph 1 – subparagraph 3

*Text proposed by the Commission*

*Amendment*

For programmes under Article **4(1)(c)(vii)** of the ESF+ Regulation, data shall be transmitted annually by 30 November.

For programmes under Article **4(1)(xi)** of the ESF+ Regulation, data shall be transmitted annually by 30 November.

**Amendment 231**

**Proposal for a regulation**

**Article 37 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(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;

(a) ***in the data transmissions due by 31 January, 31 March, 31 May, 31 July, 30 September and 30 November of each year,*** 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;

**Amendment 232**

**Proposal for a regulation**

**Article 37 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) the values of output and result indicators for selected operations and values achieved by operations.

(b) ***in the data transmissions due by 31 May and 30 November of each year only,*** the values of output and result indicators for selected operations and values achieved by operations.

**Amendment 233**

**Proposal for a regulation**

**Article 39 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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.

1. The managing authority shall carry out evaluations of the programme. Each evaluation shall assess the programme's ***inclusiveness, non-discriminatory nature,*** effectiveness, efficiency, relevance, coherence, ***visibility*** and EU added value with the aim to improve the quality of the design and implementation of programmes.

**Amendment 234**

**Proposal for a regulation**

**Article 40 – paragraph 2 a (new)**

***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.***

**Amendment 235**

**Proposal for a regulation**

**Article 43 – paragraph 1 – subparagraph 2 – point b**

(b) other relevant partners and bodies.

(b) other relevant partners and bodies,  
***including regional, local and other public***

*authorities, and economic and social partners.*

## **Amendment 236**

### **Proposal for a regulation**

#### **Article 44 – paragraph 1**

##### *Text proposed by the Commission*

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.

##### *Amendment*

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, ***indicative timetable for calls for proposals***, available funding opportunities and achievements.

## **Amendment 237**

### **Proposal for a regulation**

#### **Article 44 – paragraph 3 – subparagraph 1 – point a**

##### *Text proposed by the Commission*

(a) in the case of legal entities, the

##### *Amendment*

(a) in the case of legal entities, the

beneficiary's name;

beneficiary's *and the contractor's* name;

## Amendment 240

### Proposal for a regulation

#### Article 45 – paragraph 1 – point a

##### *Text proposed by the Commission*

(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;

##### *Amendment*

(a) providing on the beneficiary's professional website *and* 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;

## Amendment 241

### Proposal for a regulation

#### Article 45 – paragraph 1 – point c – introductory part

##### *Text proposed by the Commission*

(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

##### *Amendment*

(c) displaying *permanent* plaques or billboards *clearly visible to the public* as soon as the physical implementation of operations involving physical investment or the purchase of equipment starts, with

following:

regard to the following:

## Amendment 243

### Proposal for a regulation

#### Article 45 – paragraph 1 – point d

##### *Text proposed by the Commission*

(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 highlighting the support from the Funds;

##### *Amendment*

(d) for operations not falling under point (c), publicly displaying ***at a location clearly visible to the public*** at least one printed or electronic display of a minimum size A3 with information about the operation highlighting the support from the Funds;

## Amendment 244

### Proposal for a regulation

#### Article 45 – paragraph 1 – point e a (new)

##### *Text proposed by the Commission*

##### *Amendment*

***(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***

**Amendment 245**

**Proposal for a regulation**

**Article 45 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

For operations supported under the specific objective set out in Article **4(1)(c)(vii)** of the ESF+ Regulation, this requirement shall not apply.

*Amendment*

For operations supported under the specific objective set out in Article **4(1)(xi)** of the ESF+ Regulation, this requirement shall not apply.

**Amendment 246**

**Proposal for a regulation**

**Article 47 – paragraph 1**

*Text proposed by the Commission*

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.

*Amendment*

Member States shall use the contribution from the Funds to provide support to beneficiaries in the form of grants, **limited use of** financial instruments or prizes or a combination thereof.

## Amendment 247

### Proposal for a regulation

#### Article 49 – paragraph 1 – point c

##### *Text proposed by the Commission*

(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).

##### *Amendment*

(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) **or 48(2)(c)**.

## Amendment 248

### Proposal for a regulation

#### Article 50 – paragraph 2 – point a

##### *Text proposed by the Commission*

(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;

##### *Amendment*

(a) by dividing the latest documented annual gross employment costs, ***with expected additional costs in order to take account of factors such as increases in tariffs or staff promotions***, by 1720 hours for persons working full time, or by a corresponding pro-rata of 1720 hours, for persons working part-time;

## Amendment 249

## Proposal for a regulation

### Article 50 – paragraph 2 – point b

#### *Text proposed by the Commission*

(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.

#### *Amendment*

(b) by dividing the latest documented monthly gross employment costs, ***with expected additional costs in order to take account of factors such as increases in tariffs or staff promotions,*** by the monthly working time of the person concerned in accordance with applicable national legislation referred to in the contract for employment.

## Amendment 250

## Proposal for a regulation

### Article 52 – paragraph 2

#### *Text proposed by the Commission*

2. Financial instruments shall 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.

#### *Amendment*

2. Financial instruments shall 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. ***Such support may target investments in both tangible and intangible assets as well as working capital, in compliance with***

## **Amendment 251**

### **Proposal for a regulation**

#### **Article 52 – paragraph 3 – subparagraph 2 – point a**

##### *Text proposed by the Commission*

- (a) the proposed amount of programme contribution to a financial instrument and the expected leverage effect;

##### *Amendment*

- (a) the proposed amount of programme contribution to a financial instrument and the expected leverage effect, ***accompanied by the relevant assessments;***

## **Amendment 252**

### **Proposal for a regulation**

#### **Article 52 – paragraph 5**

##### *Text proposed by the Commission*

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. ***In such case*** the rules applicable to financial instruments shall

##### *Amendment*

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. ***Where the amount of the programme support in the form of grant is***

apply *to that single financial instrument operation*.

*less than the amount of programme support in the form of a financial instrument*, the rules *applicable to* financial instruments shall apply.

## Amendment 253

### Proposal for a regulation

#### Article 53 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

The managing authority shall select the body implementing a financial instrument.

The managing authority shall select the body implementing a financial instrument *either through direct or indirect award of a contract*.

## Amendment 254

### Proposal for a regulation

#### Article 53 – paragraph 2 – subparagraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

*The managing authority may entrust implementation tasks through a direct award to:*

*(a) the EIB;*

*(b) an international financial institution in which a Member State is a shareholder;*

*(c) a publicly-owned bank or institution, established as a legal entity and carrying out financial activities on a professional basis.*

## Amendment 255

### Proposal for a regulation

#### Article 53 – paragraph 7

##### *Text proposed by the Commission*

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.

##### *Amendment*

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, ***or by type of intervention for the EAFRD***, for each programme contribution and separately for resources referred to in Articles 54 and 56 respectively.

## Amendment 256

### Proposal for a regulation

#### Article 53 – paragraph 7 a (new)

*Text proposed by the Commission*

*Amendment*

***7a. Reporting requirements on the financial instrument's use for the intended purposes shall be limited to the managing authorities and to financial intermediaries.***

## Amendment 257

### Proposal for a regulation

#### Article 54 – paragraph 2

*Text proposed by the Commission*

*Amendment*

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.

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 ***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; until the end of the eligibility period.*

## Amendment 258

### Proposal for a regulation

#### Article 55 – paragraph 1

##### *Text proposed by the Commission*

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.

##### *Amendment*

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, *or for other forms of Union support*, through an appropriate sharing of risks and profits *taking into account the principle of sound financial management.*

## Amendment 259

### Proposal for a regulation

#### Article 55 – paragraph 2

*Text proposed by the Commission*

*Amendment*

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.

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 ***the ex ante*** assessment ***performed in line with Article 52 of this Regulation.***

**Amendment 260**

**Proposal for a regulation**

**Article 56 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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 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

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 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, ***taking into***

such further investments.

*account the principle of sound financial management.*

## **Amendment 261**

### **Proposal for a regulation**

#### **Article 56 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*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.*

## **Amendment 262**

### **Proposal for a regulation**

#### **Article 57 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Expenditure shall be eligible for a contribution from the Funds if it has been incurred by a beneficiary or the private

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**.

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 **2030**.

## Amendment 263

### Proposal for a regulation

#### Article 57 – paragraph 4

##### *Text proposed by the Commission*

4. All or part of an operation may be implemented outside of a Member State, including outside the Union, provided that the operation contributes to the objectives of the programme.

##### *Amendment*

4. All or part of an operation ***under the ERDF, the ESF+ or the Cohesion Fund*** may be implemented outside of a Member State, including outside the Union, provided that the operation ***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')*** and contributes to the objectives of the programme.

## Amendment 264

### Proposal for a regulation

## Article 57 – paragraph 6

### *Text proposed by the Commission*

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.

### *Amendment*

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. ***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.***

## Amendment 265

### Proposal for a regulation

## Article 58 – paragraph 1 – subparagraph 1 – point a

### *Text proposed by the Commission*

(a) interest on debt, except in relation to grants given in the form of an interest rate subsidy or guarantee fee subsidy;

### *Amendment*

(a) interest on debt, except in relation to grants given in the form of an interest rate subsidy or guarantee fee subsidy ***or in relation to a contribution to financial instruments that results from negative interest;***

## Amendment 266

### Proposal for a regulation

#### Article 58 – paragraph 1 – subparagraph 1 – point c

*Text proposed by the Commission*

*Amendment*

*(c) value added tax ('VAT'), except for operations the total cost of which is below EUR 5 000 000.*

*deleted*

## Amendment 267

### Proposal for a regulation

#### Article 58 – paragraph 1 – subparagraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

*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 below EUR 5 000 000, and for investments and expenditure by final recipients.*

## Amendment 268

### Proposal for a regulation

## Article 59 – paragraph 1 – subparagraph 2

### *Text proposed by the Commission*

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.

### *Amendment*

The Member State may reduce the time limit set out in the first subparagraph to three years in *the duly justified* cases *referred to in points (a), (b) and (c)* concerning the maintenance of jobs created by SMEs.

## Amendment 269

### Proposal for a regulation

## Article 59 – paragraph 3

### *Text proposed by the Commission*

3. Paragraphs 1 and 2 shall not apply to any operation which undergoes cessation of a productive activity due to a non-fraudulent bankruptcy.

### *Amendment*

3. Paragraphs 1 and 2 shall not apply to *programme contributions to or from financial instruments and* any operation which undergoes cessation of a productive activity due to a non-fraudulent bankruptcy.

## Amendment 270

### Proposal for a regulation

## Article 62 – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

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 of programme contributions disbursed to final recipients in loans, equity or quasi-equity investments or set aside as agreed in guarantee contracts.

*Amendment*

For point (d) of paragraph 1, management fees shall be performance based. ***For the first twelve months of implementation of the financial instrument, base remuneration for management costs and fees shall be eligible.*** Where bodies implementing a holding fund and/or specific funds, pursuant to Article 53(2), 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.

**Amendment 271**

**Proposal for a regulation**

**Article 62 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

***That threshold is not applicable*** where the selection of bodies implementing financial

*Amendment*

Where the selection of bodies implementing financial instruments is

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.

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 ***which shall be performance-based.***

## **Amendment 272**

### **Proposal for a regulation**

#### **Article 63 – paragraph 2**

##### *Text proposed by the Commission*

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.

##### *Amendment*

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.

***Member States shall fully cooperate with OLAF.***

## **Amendment 273**

### **Proposal for a regulation**

#### **Article 63 – paragraph 4**

##### *Text proposed by the Commission*

##### *Amendment*

4. Member States shall ensure the quality and reliability of the monitoring system and of data on indicators.

4. Member States shall ensure the quality, ***independence*** and reliability of the monitoring system and of data on indicators.

## Amendment 274

### Proposal for a regulation

#### Article 63 – paragraph 6 – subparagraph 1

##### *Text proposed by the Commission*

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.

##### *Amendment*

Member States shall make arrangements for ensuring the effective examination of complaints concerning the Funds. ***The scope, rules and procedures concerning those arrangements shall be the responsibility of Member States in accordance with their institutional and legal framework.*** They shall, upon request by the Commission ***in accordance with Article 64(4a)***, examine complaints submitted to the Commission falling within the scope of their programmes and shall inform the Commission of the results of those examinations.

## Amendment 275

### Proposal for a regulation

## Article 63 – paragraph 7 – subparagraph 1

### *Text proposed by the Commission*

Member States shall ensure that all exchanges of information between beneficiaries and the programme authorities are carried out by means of electronic data exchange systems in accordance with Annex XII.

### *Amendment*

Member States shall ensure that all exchanges of information between beneficiaries and the programme authorities are carried out by means of ***user-friendly*** electronic data exchange systems in accordance with Annex XII.

## Amendment 276

### Proposal for a regulation

## Article 63 – paragraph 7 – subparagraph 2

### *Text proposed by the Commission*

For programmes supported by the EMFF, the AMIF, the ISF and the BMVI, the first sub-paragraph shall apply as from 1 January **2023**.

### *Amendment*

For programmes supported by the EMFF, the AMIF, the ISF and the BMVI, the first sub-paragraph shall apply as from 1 January **2022**.

## Amendment 277

### Proposal for a regulation

## Article 63 – paragraph 7 – subparagraph 3

*Text proposed by the Commission*

*Amendment*

The first sub-paragraph shall not apply to programmes under Article [4(1)(c)(vii)] of the ESF+ Regulation.

The first sub-paragraph shall not apply to programmes under Article [4(1)(xi)] of the ESF+ Regulation.

**Amendment 278**

**Proposal for a regulation**

**Article 63 – paragraph 11**

*Text proposed by the Commission*

*Amendment*

11. The Commission shall adopt an 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.

11. The Commission shall adopt an 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 **and rules** for the implementation of this Article.

**Amendment 279**

**Proposal for a regulation**

**Article 64 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

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.

The Commission shall satisfy itself that Member States have management and control systems that comply with this Regulation and that those systems function effectively ***and efficiently*** during the implementation of the programmes. The Commission shall draw up ***for Member States*** an audit strategy and an audit plan which shall be based on a risk-assessment.

## **Amendment 280**

### **Proposal for a regulation**

#### **Article 64 – paragraph 2**

##### *Text proposed by the Commission*

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.

##### *Amendment*

2. Commission audits shall be carried out up to ***two*** 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.

## **Amendment 281**

### **Proposal for a regulation**

#### **Article 64 – paragraph 4 – subparagraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(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.

(a) the Commission shall give at least **15** 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.

**Amendment 282**

**Proposal for a regulation**

**Article 64 – paragraph 4 – subparagraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the Commission shall transmit the 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 **2** months after the last day of the audit, to the competent Member State authority.

**Amendment 283**

**Proposal for a regulation**

**Article 64 – paragraph 4 – subparagraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

(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.

(d) the Commission shall transmit the audit report, in at least one of the official languages of the Union, no later than **2** months from the date of receiving a complete reply from the competent Member State authority to the preliminary audit findings. ***The Member State's reply shall be considered complete if the Commission has not reported on the existence of outstanding documentation within 2 months.***

#### **Amendment 284**

#### **Proposal for a regulation**

#### **Article 64 – paragraph 4 – subparagraph 2**

##### *Text proposed by the Commission*

The Commission may extend the time limits referred in points (c) and (d) by an additional ***three*** months.

##### *Amendment*

The Commission may ***in duly justified cases*** extend the time limits referred in points (c) and (d) by an additional ***two*** months.

#### **Amendment 285**

#### **Proposal for a regulation**

#### **Article 64 – paragraph 4 a (new)**

**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.**

**Amendment 286**

**Proposal for a regulation**

**Article 65 – paragraph 2**

2. The audit authority shall be a public authority, functionally independent from the *auditees*.

2. The audit authority shall be a public *or private* authority, functionally independent from the *Management Authority and the bodies or entities to which functions have been entrusted or delegated*.

**Amendment 287**

**Proposal for a regulation**

**Article 66 – paragraph 1 – point e**

(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.

(e) record and store in electronic *systems* 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.

## **Amendment 288**

### **Proposal for a regulation**

#### **Article 67 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

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.

##### *Amendment*

For the selection of operations, the managing authority shall establish and apply criteria and procedures which are non-discriminatory, transparent, ensure *accessibility to persons with disabilities*, 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.

## **Amendment 289**

### **Proposal for a regulation**

## Article 67 – paragraph 3 – point a

*Text proposed by the Commission*

*Amendment*

(a) ensure that selected operations comply with the programme and provide an effective contribution to the achievement of its specific objectives;

(a) ensure that selected operations ***are sustainable,*** comply with the programme, ***as well as territorial strategies,*** and provide an effective contribution to the achievement of its specific objectives;

## Amendment 290

### Proposal for a regulation

## Article 67 – paragraph 3 – point c

*Text proposed by the Commission*

*Amendment*

(c) ensure that selected operations present ***the best*** relationship between the amount of support, the activities undertaken and the achievement of objectives;

(c) ensure that selected operations present ***an appropriate*** relationship between the amount of support, the activities undertaken and the achievement of objectives;

## Amendment 291

### Proposal for a regulation

## Article 67 – paragraph 3 – point e

*Text proposed by the Commission*

*Amendment*

(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, 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> ;

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<sup>48</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>49</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).

(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 ***and that the assessment of alternative solutions as well as a comprehensive public consultation has been taken in due account***, 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> ;

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<sup>48</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>49</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).

## **Amendment 292**

### **Proposal for a regulation**

## Article 67 – paragraph 3 – point f

*Text proposed by the Commission*

(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;

*Amendment*

(f) ***ensure*** that where the operations have started before the submission of an application for funding to the managing authority, applicable law has been complied with;

## Amendment 293

### Proposal for a regulation

## Article 67 – paragraph 3 – point j

*Text proposed by the Commission*

(j) ensure the climate proofing of investments in infrastructure with an expected lifespan of at least five years.

*Amendment*

(j) ensure, ***before taking investment decisions***, the climate proofing of investments in infrastructure with an expected lifespan of at least five years, ***as well as the application of the Energy Efficiency First principle***.

## Amendment 294

### Proposal for a regulation

## Article 67 – paragraph 5 a (new)

**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.**

## **Amendment 295**

### **Proposal for a regulation**

#### **Article 67 – paragraph 6**

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.

6. When the managing authority selects an operation of strategic importance, it shall inform the Commission ***within one month*** and shall provide all relevant information to the Commission about that operation, ***including a cost-benefit analysis***.

## **Amendment 296**

## Proposal for a regulation

### Article 68 – paragraph 1 – subparagraph 1 – point b

*Text proposed by the Commission*

(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 payment claim by the beneficiary;

*Amendment*

(b) ensure ***for pre-financing and interim payments*** that a beneficiary receives the amount due in full ***for verified expenditure*** and no later than **60** days from the date of submission of the payment claim by the beneficiary;

## Amendment 297

## Proposal for a regulation

### Article 70 – paragraph 1 – point a

*Text proposed by the Commission*

(a) drawing up and submitting payment applications to the Commission in accordance with Articles 85 and 86;

*Amendment*

(a) drawing up and submitting payment applications to the Commission in accordance with Articles 85 and 86 ***and taking account of the audits carried out by, or under the responsibility of the audit authority***;

## Amendment 298

## Proposal for a regulation

## Article 70 – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

(b) drawing up the accounts in accordance with Article 92 and keeping records of all the elements of the accounts in an electronic system;

(b) drawing up ***and presenting*** the accounts, ***confirming the completeness, accuracy and correctness*** in accordance with Article 92 and keeping records of all the elements of the accounts in an electronic system;

## Amendment 299

### Proposal for a regulation

## Article 71 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

***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.***

## Amendment 300

### Proposal for a regulation

## Article 71 – paragraph 6 b (new)

**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.**

## **Amendment 301**

### **Proposal for a regulation**

#### **Article 72 – paragraph 1**

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

1. The audit authority shall, **after consulting the managing authority**, 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. **The audit shall be performed** within nine months following their first year of functioning. The audit strategy shall be prepared in accordance

the first annual control report and audit opinion provided to the Commission. It may cover one or more programmes.

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. ***In the audit strategy, the audit authority may determine a limit for single account audits.***

## **Amendment 302**

### **Proposal for a regulation**

#### **Article 73 – paragraph 3 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***In case of a disagreement between the Commission and a Member State on audit findings, a settlement procedure shall be put in place.***

## **Amendment 303**

### **Proposal for a regulation**

#### **Article 74 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

The Commission and audit authorities shall

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.

first use all information and records available in electronic *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.

## **Amendment 304**

### **Proposal for a regulation**

#### **Article 75 – paragraph 1**

##### *Text proposed by the Commission*

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.

##### *Amendment*

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. ***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 management***

*verifications.*

## **Amendment 305**

### **Proposal for a regulation**

#### **Article 75 – paragraph 2 – subparagraph 2**

##### *Text proposed by the Commission*

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.

##### *Amendment*

However, the EIB or other *international* financial institutions in which a Member State is a shareholder shall provide control reports supporting the payment applications to the managing authority.

## **Amendment 306**

### **Proposal for a regulation**

#### **Article 75 – paragraph 3**

##### *Text proposed by the Commission*

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

##### *Amendment*

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.

underlying new loans. *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.*

## Amendment 307

### Proposal for a regulation

#### Article 75 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

*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:*

*(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;*

*(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.*

## **Amendment 308**

### **Proposal for a regulation**

#### **Article 76 – paragraph 1**

##### *Text proposed by the Commission*

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.

##### *Amendment*

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 **three-year** period from 31 December of the year in which the last payment by the managing authority to the beneficiary is made.

## **Amendment 309**

### **Proposal for a regulation**

#### **Article 76 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The document retention period may be reduced, proportionally to the risk profile and the size of beneficiaries, by decision of the managing authority.**

## **Amendment 310**

### **Proposal for a regulation**

#### **Article 84 – paragraph 2 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

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:

The pre-financing for each Fund shall be paid in yearly instalments before 1 July of each year, as follows:

## **Amendment 311**

### **Proposal for a regulation**

#### **Article 84 – paragraph 2 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) 2022: **0.5** %;

(b) 2022: **0,7** %;

## **Amendment 312**

### **Proposal for a regulation**

#### **Article 84 – paragraph 2 – subparagraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) 2023: **0.5** %;

(c) 2023: **1** %;

## **Amendment 313**

### **Proposal for a regulation**

#### **Article 84 – paragraph 2 – subparagraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

(d) 2024: **0.5** %;

(d) 2024: **1,5** %;

**Amendment 314**

**Proposal for a regulation**

**Article 84 – paragraph 2 – subparagraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

(e) 2025: **0.5** %;

(e) 2025: **2** %;

**Amendment 315**

**Proposal for a regulation**

**Article 84 – paragraph 2 – subparagraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

(f) 2026: **0.5**

(f) 2026: **2** %

**Amendment 316**

**Proposal for a regulation**

**Article 85 – paragraph 3 – point b**

*Text proposed by the Commission*

*Amendment*

(b) the amount for technical assistance

(b) the amount for technical assistance

calculated in accordance with Article  
**31(2)**;

calculated in accordance with Article **31**;

## **Amendment 317**

### **Proposal for a regulation**

#### **Article 85 – paragraph 4 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(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.*

## **Amendment 318**

### **Proposal for a regulation**

#### **Article 86 – paragraph 1**

*Text proposed by the Commission*

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 managing authority to final recipients as referred to in points (a), (b) and (c) of Article 62(1).

*Amendment*

1. Where financial instruments are implemented in accordance with Article **53(1)**, 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 managing authority to final recipients as referred to in points (a), (b) and (c) of Article 62(1).

**Amendment 319**

**Proposal for a regulation**

**Article 86 – paragraph 2 – introductory part**

*Text proposed by the Commission*

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:

*Amendment*

2. Where financial instruments are implemented in accordance with Article **53(2)**, payment applications that include expenditure for financial instruments shall be submitted in accordance with the following conditions:

## Amendment 320

### Proposal for a regulation

#### Article 87 – paragraph 1

##### *Text proposed by the Commission*

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.

##### *Amendment*

1. The Commission shall make interim payments no later than 60 days after the date on which a payment application is received by the Commission.

## Amendment 321

### Proposal for a regulation

#### Article 90 – paragraph 1 – point a

##### *Text proposed by the Commission*

(a) there is evidence ***to suggest*** a serious deficiency and for which corrective measures have not been taken;

##### *Amendment*

(a) there is a serious evidence ***of*** a serious deficiency and for which corrective measures have not been taken;

## Amendment 322

### Proposal for a regulation

#### Article 91 – paragraph 1 – point e

*Text proposed by the Commission*

*Amendment*

*(e) the Member State has failed to take the necessary action in accordance with Article 15(6).* **deleted**

## Amendment 323

### Proposal for a regulation

#### Article 99 – paragraph 1

*Text proposed by the Commission*

*Amendment*

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.

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 **31** December of the *third* calendar year following the year of the budget commitments for the years 2021 to 2026.

## Amendment 324

### Proposal for a regulation

#### Article 99 – paragraph 2

*Text proposed by the Commission*

*Amendment*

**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 shall be added to each budget commitment for the years 2022 to 2025 for the purposes of calculating the amounts to be covered.** **deleted**

## Amendment 325

### Proposal for a regulation

#### Article 99 – paragraph 3

*Text proposed by the Commission*

*Amendment*

**3. The part of commitments still open on 31 December 2029 shall be decommitted if the assurance package and the final performance report for**

**3. The part of commitments still open on 31 December 2030 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).

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).

## Amendment 326

### Proposal for a regulation

#### Article 100 – paragraph 1 – subparagraph 1 – point b a (new)

*Text proposed by the Commission*

*Amendment*

*(b a) 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.*

## Amendment 327

### Proposal for a regulation

#### Article 101 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. The Member State shall have **one month** to agree to the amount to be

2. The Member State shall have **two months** to agree to the amount to be

decommitted or to submit its observations.

decommitted or to submit its observations.

## **Amendment 328**

### **Proposal for a regulation**

#### **Article 102 – paragraph 1**

##### *Text proposed by the Commission*

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**.

##### *Amendment*

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 2016/2066**.

## **Amendment 329**

### **Proposal for a regulation**

#### **Article 103 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

The resources for economic, social and territorial cohesion available for budgetary

##### *Amendment*

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.

commitment for the period 2021-2027 shall be **EUR 378 097 000 000 in 2018 prices.**

*(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.)*

## **Amendment 330**

### **Proposal for a regulation**

#### **Article 103 – paragraph 2 – subparagraph 1**

##### *Text proposed by the Commission*

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.

##### *Amendment*

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. ***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.***

## Amendment 429

### Proposal for a regulation

#### Article 103 – paragraph 2 – subparagraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

*Without prejudice to the national allocations for the Member States, funding for regions, which are downgraded in category for the 2021-2027 period, shall be maintained at the level of 2014-2020 allocations.*

## Amendment 331

### Proposal for a regulation

#### Article 103 – paragraph 2 – subparagraph 2 b (new)

*Text proposed by the Commission*

*Amendment*

*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.*

*(This Amendment will require consequential adjustments to the calculations in Annex XXII.)*

## **Amendment 332**

### **Proposal for a regulation**

#### **Article 104 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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 allocated as follows:

*Amendment*

1. Resources for the Investment for jobs and growth goal shall amount to **97 %** of the global resources, i.e., a total of EUR **366 754 000 000 (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:*

## **Amendment 333**

### **Proposal for a regulation**

#### **Article 104 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) 61.6 % (i.e a total of EUR **198 621 593 157**) for less developed regions;

(a) 61.6 % (i.e a total of EUR **222 453 894 000**) for less developed regions;

#### **Amendment 334**

#### **Proposal for a regulation**

#### **Article 104 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) 14.3 % (i.e a total of EUR **45 934 516 595**) for transition regions;

(b) 14.3 % (i.e a total of EUR **51 446 129 000**) for transition regions;

#### **Amendment 335**

#### **Proposal for a regulation**

#### **Article 104 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) 10.8 % (i.e., a total of EUR **34 842 689 000**) for more developed regions;

(c) 10.8 % (i.e., a total of EUR **39 023 410 000**) for more developed regions;

## Amendment 336

### Proposal for a regulation

#### Article 104 – paragraph 1 – point d

##### *Text proposed by the Commission*

(d) 12.8 % (i.e., a total of EUR **41 348 556 877**) for Member States supported by the Cohesion Fund;

##### *Amendment*

(d) 12.8 % (i.e., a total of EUR **46 309 907 000**) for Member States supported by the Cohesion Fund;

## Amendment 337

### Proposal for a regulation

#### Article 104 – paragraph 1 – point e

##### *Text proposed by the Commission*

(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 level 2 regions fulfilling the criteria laid down in Article 2 of Protocol No 6 to the 1994 Act of Accession.

##### *Amendment*

(e) 0.4 % (i.e., a total of EUR **1 620 660 000**) as 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.

## Amendment 338

### Proposal for a regulation

#### Article 104 – paragraph 3 – subparagraph 1

##### *Text proposed by the Commission*

The **amount of** resources available for the ESF+ under the Investment for jobs and growth goal **shall be EUR 88 646 194 590**.

##### *Amendment*

The resources available for the ESF+ **shall amount to 28,8 % of the resources** under the Investment for jobs and growth goal **(i.e., EUR 105 686 000 000 in 2018 prices)**. **That does not include the financial envelope for the Employment and Social Innovation strand or the Health strand.**

## Amendment 339

### Proposal for a regulation

#### Article 104 – paragraph 3 – subparagraph 2

##### *Text proposed by the Commission*

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**.

##### *Amendment*

The amount of additional funding for the outermost regions referred to in point (e) in paragraph 1 allocated to the ESF+ shall **correspond to 0,4 % of the resources referred to in the first subparagraph (i.e., EUR 424 296 054 in 2018 prices)**.

## Amendment 340

### Proposal for a regulation

#### Article 104 – paragraph 4 – subparagraph 1

##### *Text proposed by the Commission*

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) [number of new CEF Regulation] exclusively in Member States eligible for funding from the Cohesion Fund.

##### *Amendment*

The amount of support from the Cohesion Fund to be transferred to the CEF shall be EUR **4 000 000 000 in 2018 prices**. It shall be spent for transport infrastructure projects, ***taking into account the investment infrastructure needs of Member States and regions***, 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.

## Amendment 341

### Proposal for a regulation

#### Article 104 – paragraph 4 – subparagraph 5

##### *Text proposed by the Commission*

##### *Amendment*

<p><i>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) [the new CEF Regulation].</i></p>	<p><i>deleted</i></p>
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**Amendment 342**

**Proposal for a regulation**

**Article 104 – paragraph 4 – subparagraph 6**

*Text proposed by the Commission*

*Amendment*

Rules applicable for the transport sector 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 *with regard to 70% of the resources transferred to the CEF.*

Rules applicable for the transport sector 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.

**Amendment 343**

**Proposal for a regulation**

**Article 104 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

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.

5. EUR **560 000 000 in 2018 prices** 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.

**Amendment 344**

**Proposal for a regulation**

**Article 104 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

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.

6. EUR **196 000 000 in 2018 prices** 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.

**Amendment 345**

**Proposal for a regulation**

**Article 104 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

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**).

7. Resources for the European territorial cooperation goal (Interreg) shall amount to **3** % of the global resources available for budgetary commitment from the Funds for the period 2021-2027 (i.e. a total of EUR **11 343 000 000 in 2018 prices**).

**Amendment 346**

**Proposal for a regulation**

**Article 105 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(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;

(a) of not more than **5** % of the total allocations for less developed regions to transition regions or more developed regions and from transition regions to more developed regions;

**Amendment 347**

**Proposal for a regulation**

**Article 106 – paragraph 3 – subparagraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) **70** % for the less developed regions;

(a) **85** % for the less developed regions;

#### **Amendment 348**

#### **Proposal for a regulation**

#### **Article 106 – paragraph 3 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) **55** % for the transition regions;

(b) **65** % for the transition regions;

#### **Amendments 349 and 447**

#### **Proposal for a regulation**

#### **Article 106 – paragraph 3 – subparagraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) **40** % for the more developed regions.

(c) **50** % for the more developed regions.

#### **Amendment 350**

#### **Proposal for a regulation**

## Article 106 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

The co-financing rates set out under point (a), shall also apply to outermost regions.

The co-financing rates set out under point (a), shall also apply to outermost regions ***and to the additional allocation for the outermost regions.***

### Amendment 351

#### Proposal for a regulation

## Article 106 – paragraph 3 – subparagraph 3

*Text proposed by the Commission*

*Amendment*

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 shall not be higher than **85** %.

### Amendment 352

#### Proposal for a regulation

## Article 106 – paragraph 3 – subparagraph 4

*Text proposed by the Commission*

*Amendment*

The ESF+ Regulation may establish higher co-financing rates for priorities supporting innovative actions in accordance with Article [14] of that Regulation.

The ESF+ Regulation may *in duly justified cases* establish higher co-financing rates *of up to 90 %*, for priorities supporting innovative actions in accordance with Article [13] and Article [4 (1) (x)] and [(xi)] of that Regulation, *as well as for programmes 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]*.

#### **Amendment 353**

##### **Proposal for a regulation**

##### **Article 106 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

The co-financing rate for Interreg programmes shall be no higher than **70 %**.

*Amendment*

The co-financing rate for Interreg programmes shall be no higher than **85 %**.

#### **Amendment 453**

##### **Proposal for a regulation**

## Article 106 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***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.***

## Amendment 354

### Proposal for a regulation

## Article 107 – paragraph 1

*Text proposed by the Commission*

*Amendment*

The Commission is empowered to adopt

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.

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. ***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.***

## Amendment 355

### Proposal for a regulation

#### Article 108 – paragraph 2

##### *Text proposed by the Commission*

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.

##### *Amendment*

2. The power to adopt delegated acts referred to in ***Article 6(3)***, Article 63(10), Article 73(4), Article 88(4), Article 89(4) and Article 107 shall be conferred on the Commission from ***the*** date of entry into force of this Regulation ***until 31 December 2027.***

## Amendment 356

### Proposal for a regulation

#### Article 108 – paragraph 3

##### *Text proposed by the Commission*

3. The delegation of power referred to in Article 63(10), Article 73(4), Article 88(4) **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.

##### *Amendment*

3. The delegation of power referred to in Article **6(3)**, **Article** 63(10), Article 73(4), Article 88(4), **Article 89(4)** and Article **107** 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.

## Amendment 357

### Proposal for a regulation

#### Article 108 – paragraph 6

##### *Text proposed by the Commission*

6. A delegated act adopted pursuant to

##### *Amendment*

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.

**Article 6(3)**, 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.

## Amendment 359

### Proposal for a regulation

#### Annex I – Table 1 – Policy objective 1 – row 001 – column 1

##### *Text proposed by the Commission*

001 Investment in fixed assets in micro enterprises directly linked to research and innovation activities

##### *Amendment*

001 Investment in fixed assets in micro enterprises directly linked to research and innovation activities ***or linked to competitiveness***

## Amendment 360

### Proposal for a regulation

#### Annex I – Table 1 – Policy objective 1 – row 002 – column 1

<i>Text proposed by the Commission</i>	<i>Amendment</i>
002 Investment in fixed assets in small and medium-sized enterprises (including private research centres) directly linked to research and innovation activities	002 Investment in fixed assets in small and medium-sized enterprises (including private research centres) directly linked to research and innovation activities <b><i>or linked to competitiveness</i></b>

## Amendment 361

### Proposal for a regulation

#### Annex I – Table 1 – Policy objective 1 – row 004 – column 1

<i>Text proposed by the Commission</i>	<i>Amendment</i>
004 Investment in intangible assets in micro enterprises directly linked to research and innovation activities	004 Investment in intangible assets in micro enterprises directly linked to research and innovation activities <b><i>or linked to competitiveness</i></b>

## Amendment 362

### Proposal for a regulation

**Annex I – Table 1 – Policy objective 1 – row 005 – column 1**

<i>Text proposed by the Commission</i>	<i>Amendment</i>
005 Investment in intangible assets in small and medium-sized enterprises (including private research centres) directly linked to research and innovation activities	005 Investment in intangible assets in small and medium-sized enterprises (including private research centres) directly linked to research and innovation activities <b><i>or linked to competitiveness</i></b>

**Amendment 363**

**Proposal for a regulation**

**Annex I – Table 1 – Policy objective 2 – row 035 – column 1**

<i>Text proposed by the Commission</i>	<i>Amendment</i>
035 Adaption to climate change measures and prevention and management of climate related risks: floods (including awareness raising, civil protection and disaster management systems and infrastructures)	035 Adaption to climate change measures and prevention and management of climate related risks: floods <b><i>and landslides</i></b> (including awareness raising, civil protection and disaster management systems and infrastructures)

**Amendment 364**

**Proposal for a regulation**

**Annex I – Table 1 – Policy objective 2 – row 043**

*Text proposed by the Commission*

043	<b><i>Household waste management: mechanical biological treatment, thermal treatment</i></b>	<b><i>0%</i></b>	<b><i>100%</i></b>
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*Amendment*

***deleted***

#### **Amendment 365**

#### **Proposal for a regulation**

#### **Annex I – Table 1 – Policy objective 3 – row 056 – column 1**

*Text proposed by the Commission*

*Amendment*

056 Newly built motorways and roads –  
TEN-T core network

056 Newly built motorways, ***bridges*** and  
roads – TEN-T core network

#### **Amendment 366**

#### **Proposal for a regulation**

#### **Annex I – Table 1 – Policy objective 3 – row 057 – column 1**

*Text proposed by the Commission*

*Amendment*

057 Newly built motorways and roads –  
TEN-T comprehensive network

057 Newly built motorways, **bridges** and  
roads – TEN-T comprehensive network

#### **Amendment 367**

#### **Proposal for a regulation**

#### **Annex I – Table 1 – Policy objective 3 – row 060 – column 1**

*Text proposed by the Commission*

*Amendment*

060 Reconstructed or improved  
motorways and roads – TEN-T core  
network

060 Reconstructed or improved  
motorways, **bridges** and roads – TEN-T  
core network

#### **Amendment 368**

#### **Proposal for a regulation**

#### **Annex I – Table 1 – Policy objective 3 – row 061 – column 1**

*Text proposed by the Commission*

*Amendment*

061 Reconstructed or improved  
motorways and roads – TEN-T  
comprehensive network

061 Reconstructed or improved  
motorways, **bridges** and roads – TEN-T  
comprehensive network

## Amendment 369

### Proposal for a regulation

#### Annex I – Table 1 – Policy objective 5 – row 128 – column 1

<i>Text proposed by the Commission</i>	<i>Amendment</i>
128 Protection, development and promotion of public tourism assets and <i>related</i> tourism services	128 Protection, development and promotion of public tourism assets and tourism services

## Amendment 370

### Proposal for a regulation

#### Annex I – Table 1 – Policy objective 5 – row 130 – column 1

<i>Text proposed by the Commission</i>	<i>Amendment</i>
130 Protection, development and promotion of natural heritage and eco-tourism	130 Protection, development and promotion of natural heritage and eco-tourism <i>other than Natura 2000 sites</i>

## Amendment 371

### Proposal for a regulation

#### Annex I – Table 3 – row 12 – column Integrated territorial investment (ITI)

*Text proposed by the Commission*

*Amendment*

Cities, towns **and** suburbs

Cities, towns, suburbs **and connected rural areas**

## **Amendment 372**

### **Proposal for a regulation**

#### **Annex I – Table 3 – row 16 – column Integrated territorial investment (ITI)**

*Text proposed by the Commission*

*Amendment*

Sparsely populated areas

**Rural and** sparsely populated areas

## **Amendment 373**

### **Proposal for a regulation**

#### **Annex I – Table 3 – row 22 – column Community led local development (CLLD)**

*Text proposed by the Commission*

*Amendment*

Cities, towns **and** suburbs

Cities, towns, suburbs **and connected rural areas**

## **Amendment 374**

## Proposal for a regulation

### Annex I – Table 3 – row 26 – column Community led local development (CLLD)

*Text proposed by the Commission*

*Amendment*

Sparsely populated areas

***Rural and*** sparsely populated areas

## Amendment 375

## Proposal for a regulation

### Annex I – Table 3 – row 32 – column – Other type of territorial tool under Policy Objective 5

*Text proposed by the Commission*

*Amendment*

Cities, towns ***and*** suburbs

Cities, towns, suburbs ***and connected rural areas***

## Amendment 376

## Proposal for a regulation

### Annex I – Table 3 – row 36 – column – Other type of territorial tool under Policy Objective 5

*Text proposed by the Commission*

*Amendment*

Sparsely populated areas

***Rural and*** sparsely populated areas

## Amendment 377

### Proposal for a regulation

#### Annex I – Table 4 – row 17

<i>Text proposed by the Commission</i>	<i>Amendment</i>
17 Accommodation and food service activities	17 <b>Tourism</b> , accommodation and food service activities

## Amendment 378

### Proposal for a regulation

#### Annex III – Table Horizontal enabling conditions – row 6 – column 2

<i>Text proposed by the Commission</i>	<i>Amendment</i>
A national framework for implementing the UNCRPD is in place that includes:	A national framework for implementing the UNCRPD is in place that includes:
1. Objectives with measurable goals, data collection and monitoring mechanism.	1. Objectives with measurable goals, data collection and monitoring mechanism, <b><i>applicable across all policy objectives.</i></b>
2. Arrangements to ensure that the accessibility policy, legislation and standards are properly reflected in the preparation and implementation of the	2. Arrangements to ensure that the accessibility policy, legislation and standards are properly reflected in the preparation and implementation of the

programmes.

programmes *in line with the provisions of the UNCRPD and included in the project selection criteria and obligations.*

*2a. Reporting arrangements to the monitoring committee on the compliance of the operations supported.*

## Amendment 379

### Proposal for a regulation

#### Annex III – Table Horizontal enabling conditions – row 6 a (new)

*Text proposed by the Commission*

#### *Amendment*

*Implementation of the principles and rights of the European Pillar of Social Rights that contribute to real convergence and cohesion in the European Union.*

*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.*

## Amendment 380

### Proposal for a regulation

#### Annex III – Table Horizontal enabling conditions – row 6 b (new)

*Text proposed by the Commission*

#### *Amendment*

*Effective application of the partnership principle*

*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*

- 1. Arrangements to ensure transparent procedures for the involvement of partners*
- 2. Arrangement for dissemination and disclosure of information relevant for partners to prepare and follow-up meetings*
- 3. Support for empowering partners and capacity building*

## Amendment 381

### Proposal for a regulation

#### Annex IV – Policy objective 2 – row 2 – column 4

<i>Text proposed by the Commission</i>	<i>Amendment</i>
National Energy and Climate Plan are adopted and include:	National Energy and Climate Plan <b><i>comply with the Paris Agreement objective of limiting global warming to 1.5°C</i></b> , are adopted and include:
1. All elements required by the template in Annex I of the Regulation on Governance of the Energy Union	1. All elements required by the template in Annex I of the Regulation on Governance of the Energy Union
2. An <b><i>indicative</i></b> outline of envisaged financing resources and mechanisms for measures promoting low-carbon energy	2. An outline of envisaged financing resources and mechanisms for measures promoting low-carbon energy

## Amendment 382

### Proposal for a regulation

#### Annex IV – Policy objective 2 – row 4 – column 2

<i>Text proposed by the Commission</i>	<i>Amendment</i>
ERDF and Cohesion Fund:	ERDF and Cohesion Fund:
2.4 Promoting climate change	2.4 Promoting climate <b><i>and structural</i></b>

adaptation, risk prevention and disaster  
resilience

change adaptation, risk prevention and  
disaster resilience

## Amendment 383

### Proposal for a regulation

#### Annex IV – Policy objective 2 – row 7 – column 4

##### *Text proposed by the Commission*

A priority action framework pursuant to  
Article 8 of Directive 92/43/EEC is in  
place and includes

1. All elements required by the template  
for the priority action framework for 2021-  
2027 agreed by the Commission and the  
Member States

2. ***The identification of*** the priority  
measures and an estimate of financing  
needs

##### *Amendment*

A priority action framework pursuant to  
Article 8 of Directive 92/43/EEC is in  
place and includes

1. All elements required by the template  
for the priority action framework for 2021-  
2027 agreed by the Commission and the  
Member States ***including*** the priority  
measures and an estimate of financing  
needs

## Amendment 384

### Proposal for a regulation

#### Annex IV – Policy objective 3 – point 3.2 – column 2

*Text proposed by the Commission*

*Amendment*

3.2 Developing a sustainable, climate resilient, intelligent, ***secure*** and intermodal TEN-T

3.2 Developing a sustainable, climate resilient, intelligent, ***safe*** and intermodal TEN-T

## **Amendment 385**

### **Proposal for a regulation**

#### **Annex IV – Policy objective 3 – point 3.2 – column 4 – point -1 a (new)**

*Text proposed by the Commission*

*Amendment*

***-1a. Requires social, economic and territorial cohesion to be ensured, and, to a greater extent, missing links to be completed and bottlenecks to be removed on the TEN-T network, which also means investment in hard infrastructure***

## **Amendment 386**

### **Proposal for a regulation**

#### **Annex IV – Policy objective 3 – point 3.2 – column 4 – point 1**

*Text proposed by the Commission*

*Amendment*

1. Includes economic justification of the planned investments, underpinned by robust demand analysis and traffic modelling, which should take into account the anticipated impact of ***rail liberalisation***

1. Includes economic justification of the planned investments, underpinned by robust demand analysis and traffic modelling, which should take into account the anticipated impact of ***the opening of the rail services markets***

#### **Amendment 387**

#### **Proposal for a regulation**

#### **Annex IV – Policy objective 3 – row 2 – column 4 – point 2**

*Text proposed by the Commission*

*Amendment*

2. Reflects air quality plans, taking into account in particular ***national decarbonisation plans***

2. Reflects air quality plans, taking into account in particular ***national emission reduction strategies for the transport sector***

#### **Amendment 388**

#### **Proposal for a regulation**

#### **Annex IV – Policy objective 3 – row 2 – column 4 – point 3**

*Text proposed by the Commission*

*Amendment*

3. Includes investments in core TEN-T network corridors, as defined by regulation (EU) 1316/2013, in line with the respective TEN-T work plans

3. Includes investments in core TEN-T network corridors, as defined by regulation (EU) 1316/2013, in line with the respective TEN-T work plans ***as well as pre-identified sections on the comprehensive network***

#### **Amendment 389**

#### **Proposal for a regulation**

#### **Annex IV – Policy objective 3 – row 2 – column 4 – point 4**

*Text proposed by the Commission*

*Amendment*

4. For investments outside the core TEN-T, ensures complementarity by providing sufficient connectivity of the regions and local communities to the core TEN-T and its nodes

4. For investments outside the core TEN-T, ensures complementarity by providing sufficient connectivity of the ***urban networks***, regions and local communities to the core TEN-T and its nodes

#### **Amendment 390**

#### **Proposal for a regulation**

#### **Annex IV – Policy objective 3 – row 2 – column 4 – point 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**9a. Promotes sustainable regional and cross-border tourism initiatives that lead to win-win situations for both the tourists and the inhabitants, such as interconnecting the EuroVelo network with the TRAN European Railway network**

## **Amendment 391**

### **Proposal for a regulation**

#### **Annex IV – Policy objective 4 – row 1 – column 2 – point ESF**

*Text proposed by the Commission*

*Amendment*

ESF:

4.1.1 Improving access to employment of all jobseekers, **including** youth, and of inactive people and promoting self-employment, and the social economy;

4.1.2 Modernising labour market institutions and services to ensure timely and tailor-made assistance and support to labour market matching, transitions and

ESF:

4.1.1 Improving access to employment of all jobseekers, **in particular** youth **and long-term unemployed**, and of inactive people and promoting self-employment, and the social economy;

4.1.2 Modernising labour market institutions and services to **assess and anticipate skills needs and** ensure timely and tailor-made assistance and support to labour market matching, transitions and

mobility;

mobility;

## Amendment 392

### Proposal for a regulation

#### Annex IV – Policy objective 4 – row 2 – column 2 – point ESF

##### *Text proposed by the Commission*

##### *Amendment*

ESF

ESF

4.1.3 Promoting a better work/life balance including access to childcare, a healthy and well-adapted working environment addressing health risks, adaptation of workers to change and healthy and active ageing;

4.1.3 Promoting **women's labour market participation** a better work/life balance including access to childcare, a healthy and well-adapted working environment addressing health risks, adaptation of workers, **enterprises and entrepreneurs** to change and healthy and active ageing;

## Amendment 393

### Proposal for a regulation

#### Annex IV – Policy objective 4 – row 2 – column 4 – point 2

*Text proposed by the Commission*

*Amendment*

2. Measures to address gender gaps in employment, pay and pensions, and promote work-life balance, including through improving access to early childhood education and care, with targets

2. Measures to address gender gaps in employment, pay, ***social security*** and pensions, and promote work-life balance, including through improving access to early childhood education and care, with targets

**Amendment 394**

**Proposal for a regulation**

**Annex IV – Policy objective 4 – row 3 – column 2 – point ESF**

*Text proposed by the Commission*

*Amendment*

ESF:

ESF:

4.2.1 Improving the quality, effectiveness and labour market relevance of education and training systems;

4.2.1 Improving the quality, ***inclusiveness*** and effectiveness and labour market relevance of education and training systems ***to support acquisition of key competences including digital skills and to facilitate the transition between education and work;***

4.2.2 Promoting flexible upskilling and reskilling opportunities for all, ***including***

4.2.2 Promoting ***lifelong learning, notably*** flexible upskilling and reskilling

*by* facilitating career transitions and promoting professional mobility

opportunities for all *as well as informal and non-formal learning*, including by facilitating career transitions and promoting professional mobility

4.2.3 Promoting equal access, in particular for disadvantaged groups, *to quality and inclusive education and training*, from early childhood education and care through general and vocational education and training and to tertiary level;

4.2.3 Promoting equal access *to and completion of, quality and inclusive education and training*, in particular for disadvantaged groups, to quality and inclusive education and training, from early childhood education and care through general and vocational education and training and to tertiary level, *as well as adult education and learning, including facilitating learning mobility for all*;

## Amendment 395

### Proposal for a regulation

#### Annex IV – row 4.2 - column 4: Fulfilment criteria for the enabling condition – point 1

##### *Text proposed by the Commission*

1. Evidence-based systems for skills anticipation and forecasting as well as graduate tracking mechanisms and services for quality and effective guidance for learners of all ages

##### *Amendment*

1. Evidence-based systems for skills anticipation and forecasting as well as *follow-up* tracking mechanisms and services for quality and effective guidance for learners of all ages *including learner-centred approaches*

## Amendment 396

### Proposal for a regulation

#### Annex IV – row 4.2 – column 4: Fulfilment criteria for the enabling condition – point 2

<i>Text proposed by the Commission</i>	<i>Amendment</i>
2. Measures to ensure equal access to, participation in and completion of quality, relevant and inclusive education and training and acquisition of key competences at all levels, including <b>higher</b> education	2. Measures to ensure equal access to, participation in and completion of quality, <b>affordable</b> , relevant, <b>non-segregated</b> and inclusive education and training and acquisition of key competences at all levels, including <b>tertiary</b> education

## Amendment 397

### Proposal for a regulation

#### Annex IV – row 4.2 – column 4: Fulfilment criteria for the enabling condition – point 3

<i>Text proposed by the Commission</i>	<i>Amendment</i>
3. Coordination mechanism across all levels of education and training, including tertiary education, and clear assignment of responsibilities between the relevant national and/or regional bodies	3. Coordination mechanism across all levels of education and training, including tertiary education <b>and non-formal and informal learning providers</b> , and clear assignment of responsibilities between the relevant national and/or regional bodies

## Amendment 398

### Proposal for a regulation

#### Annex IV – Policy objective 4 – row 4 – column 2 – point 4.3

<i>Text proposed by the Commission</i>	<i>Amendment</i>
ERDF:	ERDF:
4.3 increasing the socio-economic integration of marginalised communities, migrants and disadvantaged groups, through integrated measures including housing and social services	4.3 increasing the socio-economic integration of marginalised communities, <b><i>refugees and migrants under international protection</i></b> and disadvantaged groups, through integrated measures including housing and social services

## Amendment 399

### Proposal for a regulation

#### Annex IV – Policy objective 4 – row 4 – column 2 – point 4.3.1

<i>Text proposed by the Commission</i>	<i>Amendment</i>
ESF:	ESF:
4.3.1 <b><i>Promoting</i></b> active inclusion <b><i>including</i></b> with a view to promoting equal opportunities and active participation, and	4.3.1 <b><i>fostering</i></b> active inclusion including with a view to promoting equal opportunities and active participation, and

improving employability;

improving employability;

## Amendment 400

### Proposal for a regulation

#### Annex IV – Policy objective 4 – row 4 – column 2 – point 4.3.1 a (new)

*Text proposed by the Commission*

*Amendment*

**4.3.1a. Promoting social integration of people at risk of poverty or social exclusion, including the most deprived and children**

## Amendment 401

### Proposal for a regulation

#### Annex IV – Policy objective 4 – row 4 – column 4

*Text proposed by the Commission*

*Amendment*

A national strategic policy framework for social inclusion and poverty reduction is in place that includes:

1. Evidence-based diagnosis of poverty and social exclusion including child poverty, homelessness, spatial and

A national strategic policy framework **and action plan** for social inclusion and poverty reduction is in place that includes:

1. Evidence-based diagnosis of poverty and social exclusion including child poverty, homelessness, spatial and

educational segregation, limited access to essential services and infrastructure, and the specific needs of vulnerable people

2. Measures to prevent and combat segregation in all fields, including through providing adequate income support, inclusive labour markets and access to quality services for vulnerable people, including migrants

3. Measures for the *shift* from institutional to community-based care

4. Arrangements for ensuring that its design, implementation, monitoring and review is conducted in close cooperation with social partners and relevant civil society organisations

educational segregation, limited access to essential services and infrastructure, and the specific needs of vulnerable people

2. Measures to prevent and combat segregation in all fields, including through providing adequate income support, ***social protection***, inclusive labour markets and access to quality services for vulnerable people, including migrants ***and refugees***

3. Measures for the ***transition*** from institutional to ***family- and*** community-based care ***based on a national deinstitutionalisation strategy and an action plan***

4. Arrangements for ensuring that its design, implementation, monitoring and review is conducted in close cooperation with social partners and relevant civil society organisations

## Amendment 402

### Proposal for a regulation

#### Annex IV – Policy objective 4 – row 5 – column 2

*Text proposed by the Commission*

*Amendment*

ESF:

ESF:

4.3.2 Promoting socio-economic integration of marginalised communities such as the Roma;

4.3.2 Promoting socio-economic integration *of third country nationals and* of marginalised communities such as the Roma;

#### **Amendment 403**

#### **Proposal for a regulation**

#### **Annex IV – Policy objective 4 – row 6 – column 2**

##### *Text proposed by the Commission*

ESF:

4.3.4 Enhancing the equal and timely access to quality, sustainable and affordable services; improving accessibility, effectiveness and resilience of healthcare systems; improving access to long-term care services

##### *Amendment*

ESF:

4.3.4 Enhancing the equal and timely access to quality, sustainable and affordable services; *modernising social protection systems, including promoting access to social protection*; improving accessibility, effectiveness and resilience of healthcare systems; improving access to long-term care services

#### **Amendment 404**

#### **Proposal for a regulation**

#### **Annex IV – Policy objective 4 – row 6 – column 4 – points 2, 3 and 3 a (new)**

*Text proposed by the Commission*

A national or regional strategic policy framework for health is in place that contains:

1. Mapping of health and long-term care needs, including in terms of medical staff, to ensure sustainable and coordinated measures
2. Measures to ensure the efficiency, sustainability, accessibility and affordability **to** health and long-term care services, including specific focus on individuals excluded from the health and long-term care systems
3. Measures to promote community based services, including prevention and primary care, home-care and community-based services

*Amendment*

A national or regional strategic policy framework for health is in place that contains:

1. Mapping of health and long-term care needs, including in terms of medical staff, to ensure sustainable and coordinated measures
  2. Measures to ensure the efficiency, sustainability, accessibility and affordability **of** health and long-term care services, including specific focus on individuals excluded from the health and long-term care systems **and those who are hardest to reach**
  3. Measures to promote community based services, including prevention and primary care, home-care and community-based services, **and the transition from institutional to family and community based care**
- 3a. Measures to ensure the efficiency, sustainability, accessibility and affordability of social protection systems**

**Amendment 405**

## Proposal for a regulation

### Annex V – point 2 – Table 1T – Programme structure

*Text proposed by the Commission*

ID	Title [300]	TA	Basis for calculation	Fund	Category of region supported	Specific Objective selected
1	Priority 1	No		ERDF	More	SO 1
					Transition	
					Less developed	SO 2
					Outermost and sparsely populated	
					More	SO 3
2	Priority 2	No		ESF+	More	SO 4
					Transition	
					Less developed	SO 5
					Outermost	
3	Priority 3	No		CF	N/A	
3	Priority technical assistance	Yes				NA
..	Dedicated priority youth employment)	No		ESF+		
..	Dedicated priority CSRs	No		ESF+		
..	Dedicated priority Innovative actions	No		ESF+		SO 8
	Dedicated priority Material deprivation	No		ESF+		SO 9

### *Amendment*

ID	Title [300]	TA	Basis for calculation	Fund	Category of region supported	Specific Objective selected
1	Priority 1	No		ERDF	More Transition Less developed Outermost and sparsely populated More	SO 1  SO 2  SO 3
2	Priority 2	No		ESF+	More Transition Less developed Outermost	SO 4  SO 5
3	Priority 3	No		CF	N/A	
3	Priority technical assistance	Yes				NA
..	Dedicated priority youth employment)	No		ESF+		
	<b><i>Dedicated priority Child Guarantee</i></b>	<b><i>No</i></b>		<b><i>ESF+</i></b>		
..	Dedicated priority CSRs	No		ESF+		
..	Dedicated priority Innovative actions	No		ESF+		SO 8
	Dedicated priority Material deprivation	No		ESF+		SO 9

### **Amendment 406**

## Proposal for a regulation

### Annex V – point 2.1 – table

#### *Text proposed by the Commission*

- ☐ This is a priority dedicated to a relevant country-specific recommendation
- ☐ This is a priority dedicated to youth employment
- ☐ This is a priority dedicated to innovative actions
- ☐ This is a priority dedicated to addressing material deprivation

#### *Amendment*

- ☐ This is a priority dedicated to a relevant country-specific recommendation
- ☐ This is a priority dedicated to youth employment
- ☐ ***This is a priority dedicated to Child Guarantee***
- ☐ This is a priority dedicated to innovative actions
- ☐ This is a priority dedicated to addressing material deprivation

### Amendment 407

## Proposal for a regulation

### Annex V – point 2 – paragraph 3 – point 2.1 – point 2.1.1 – introductory part

*Text proposed by the Commission*

*Amendment*

2.1.1. Specific objective<sup>54</sup> (Jobs and growth goal) or Area of support (EMFF) – repeated for each selected specific objective or area of support, for priorities other than technical assistance

2.1.1. Specific objective<sup>54</sup> (Jobs and growth goal) or Area of support (EMFF) – repeated for each selected specific objective or area of support, for priorities other than technical assistance

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<sup>54</sup> Except for a specific objective set out in Article **4(1)(c)(vii)** of the ESF+ Regulation.

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<sup>54</sup> Except for a specific objective set out in Article **4(1)(xi)** of the ESF+ Regulation.

**Amendment 408**

**Proposal for a regulation**

**Annex V – point 2 – paragraph 3 – point 2.1 – point 2.1.1 – point 2.1.1.2 – introductory part**

*Text proposed by the Commission*

*Amendment*

2.1.1.2 Indicators<sup>55</sup>

2.1.1.2 Indicators

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<sup>55</sup> ***Prior to the mid-term review in 2025 for the ERDF, the ESF+ and the CF, breakdown for the years 2021 to 2025 only.***

**Amendment 409**

**Proposal for a regulation**

**Annex V – point 2 – paragraph 3 – point 2.1 – point 2.1.1 – point 2.1.1.3 – introductory part**

*Text proposed by the Commission*

*Amendment*

2.1.1.3 Indicative breakdown of the programme resources (EU) by type of intervention<sup>56</sup> (not applicable to the EMFF)

2.1.1.3 Indicative breakdown of the programme resources (EU) by type of intervention (not applicable to the EMFF)

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*<sup>56</sup> Prior to the mid-term review in 2025 for the ERDF, the ESF+ and the CF, breakdown for the years 2021 to 2025 only.*

**Amendment 410**

**Proposal for a regulation**

**Annex V – point 2 – paragraph 3 – point 2.1 – point 2.1.2 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

Criteria for the selection of operations<sup>57</sup>

Criteria for the selection of operations<sup>57</sup>

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<sup>57</sup> Only for programmes limited to the

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<sup>57</sup> Only for programmes limited to the

specific objective set out in Article  
4(1)(c)(vii) of the ESF+ Regulation

specific objective set out in Article 4(1)(xi)  
of the ESF+ Regulation

#### **Amendment 411**

##### **Proposal for a regulation**

##### **Annex V – point 3 – table 16**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

#### **Amendment 412**

##### **Proposal for a regulation**

##### **Annex V – point 3 – point 3.2 – introductory part**

*Text proposed by the Commission*

*Amendment*

3.2 Total financial appropriations by  
fund and national co-financing<sup>59</sup>

3.2 Total financial appropriations by  
fund and national co-financing

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<sup>59</sup> *Prior to the mid-term review in 2025 for  
the ERDF, the ESF+ and the CF,  
financial appropriations for the years  
2021 to 2025 only.*

