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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Position of the Council at first reading with a view to the adoption of a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on specific provisions for the European territorial cooperation goal (Interreg) supported by the European Regional Development Fund and external financing instruments

REGULATION (EU) 2021/...
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of ...

**on specific provisions for the European territorial cooperation goal (Interreg)
supported by the European Regional Development Fund
and external financing instruments**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 178, Articles 209(1) and 212(2) and Article 349 thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure³,

¹ OJ C 440, 6.12.2018, p. 116.

² OJ C 86, 7.3.2019, p. 137.

³ Position of the European Parliament of 26 March 2019 (not yet published in the Official Journal) and position of the Council at first reading of ... (not yet published in the Official Journal). Position of the European Parliament of ... (not yet published in the Official Journal).

Whereas:

- (1) Article 176 of the Treaty on the Functioning of the European Union (TFEU) provides that the European Regional Development Fund (ERDF) is intended to help to redress the main regional imbalances in the Union. Pursuant to that Article and to the second and third paragraphs of Article 174 TFEU, the ERDF is to contribute to reducing disparities between the levels of development of the various regions and the backwardness of the least-favoured regions, among which particular attention is to be paid to certain categories of regions, including a specific reference to cross-border regions.

- (2) Regulation (EU) 2021/... of the European Parliament and of the Council¹⁺ sets out provisions common to the ERDF and certain other funds and Regulation (EU) 2021/... of the European Parliament and of the Council²⁺⁺ sets out provisions concerning the specific objectives and the scope of the ERDF support. It is also necessary to adopt specific provisions concerning the European territorial cooperation goal (Interreg) where one or more Member States and their regions and, where relevant, partner countries and third countries cooperate across borders with regard to effective programming, including provisions on technical assistance, monitoring, evaluation, communication, eligibility, management and control and financial management.

¹ Regulation (EU) 2021/... of the European Parliament and of the Council of ... laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (OJ ..., p. ...).

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)] and insert the number, date, title and OJ reference of that Regulation in the footnote.

² Regulation (EU) 2021/... of the European Parliament and of the Council of ... on the European Regional Development Fund and on the Cohesion Fund (OJ L ..., p. ...).

⁺⁺ OJ: please insert in the text the number of the Regulation contained in document ST 6168/21 [2018/0197(COD)] and insert the number, date, title and OJ reference of that Regulation in the footnote.

- (3) The promotion of Interreg is a major priority of Union cohesion policy. Support for small and medium-sized enterprises for costs incurred in European territorial cooperation (ETC) projects is already block-exempted pursuant to Commission Regulation (EU) No 651/2014¹ and special provisions in relation to regional aid for investments by undertakings of all sizes are also included in the regional aid section of that Regulation and in the Commission Guidelines on regional State aid for 2014-2020. Taking into account the 30 years' experience gained, and given the low financial value of projects and the unlikely negative impact on trade and competition, on the one hand, and the high added value brought by the existing programmes to territorial cohesion in Europe, on the other, the scope of the State aid rules with regard to public financing of ETC projects is expected to be further clarified through future amendment of Regulation (EU) No 651/2014, thereby largely exempting the public financing of Interreg projects from the obligation of prior notification and greatly facilitating the implementation of those projects.

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

- (4) In order to support the harmonious development of the Union's territory at different levels, the ERDF should support cross-border cooperation, transnational cooperation, interregional cooperation and outermost regions' cooperation under Interreg goal. In the process, the principles of partnership and multi-level governance should be taken into account, while ensuring that the scale of partnership for a programme remains effective.
- (5) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement adopted under the United Nations Framework Convention on Climate Change and to achieve the United Nations' Sustainable Development Goals, the Funds will contribute to mainstream climate actions and to the achievement of an overall target of 30 % of Union budget expenditure supporting climate objectives. In that context the Funds should support activities that respect the climate and environmental standards and that would do no significant harm to environmental objectives within the meaning of Article 17 of Regulation (EU) 2020/852 of the European Parliament and of the Council¹.

¹ Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).

- (6) The cross-border cooperation strand should aim to tackle common challenges identified jointly in the border regions, and to exploit the untapped growth potential in border areas as evidenced in the Commission communication of 20 September 2017 entitled 'Boosting Growth and Cohesion in EU Border Regions' ('Border Regions Communication'). As a result, the programme areas for cross-border cooperation should be identified as those regions and areas on the border or separated by a maximum of 150 km of sea where cross-border interaction may effectively take place or in which functional areas can be identified, without prejudice to potential adjustments needed to ensure the coherence and continuity of cooperation programme areas.
- (7) The cross-border cooperation strand should also involve cooperation between one or more Member States or their regions, and one or more countries or regions, or other territories outside the Union. Covering internal and external cross-border cooperation under this Regulation should result in a major simplification and streamlining of applicable provisions for the programme authorities in Member States and for the partner authorities and beneficiaries outside the Union compared to the 2014-2020 programming period.

- (8) The transnational cooperation strand should aim to strengthen cooperation by means of actions conducive to integrated territorial development linked to the Union's priorities, in full respect of subsidiarity. Transnational cooperation should cover larger territories on the mainland of the Union and around sea-basins with maximum flexibility to ensure the coherence and continuity of cooperation programmes, including previous external maritime cross-border cooperation within a larger maritime cooperation framework, in particular by defining the territory covered, the specific objectives for such cooperation, the requirements for a project partnership and the possibility to set up sub-programmes and specific steering committees.

- (9) Based on the experience with cross-border and transnational cooperation during the 2014-2020 programming period in outermost regions, where the combination of both strands within a single programme per cooperation area has not brought about sufficient simplification for programme authorities and beneficiaries, a specific outermost regions' strand should be established in order to enable outermost regions to cooperate with their neighbouring countries and territories in the most effective and simple way. Under that strand, calls for proposals could be launched for combined funding under the ERDF, the Neighbourhood, Development and International Cooperation Instrument (NDICI) established by Regulation (EU) 2021/... of the European Parliament and of the Council¹⁺ and the Overseas Association Decision (OAD) established by Council Decision 2013/755/EU², through management modes to be agreed upon between participating Member States and regions and third countries.

¹ Regulation (EU) 2021/.... of the European Parliament and of the Council of establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU of the European Parliament and of the Council and repealing Regulation (EU) 2017/1601 of the European Parliament and of the Council and Council Regulation (EC, Euratom) No 480/2009 (OJ L ..., p. ...).

⁺ OJ: please insert in the text the number of the Regulation contained in document ST 6879/21 [2018/0243 (COD)] and insert the number, date, title and OJ reference of that Regulation in the footnote.

² Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union ('Overseas Association Decision') (OJ L 344, 19.12.2013, p. 1).

- (10) Based on the experience with the interregional cooperation programmes under Interreg, the interregional cooperation strand should focus on boosting the effectiveness of cohesion policy through four specific programmes: a programme to enable the exchange of experiences, innovative approaches and capacity building focusing on policy objectives and the Interreg-specific objective 'a better cooperation governance', in relation to the identification, dissemination and transfer of good practices into regional development policies including Investment for jobs and growth goal programmes; a programme dedicated to the exchange of experiences and capacity building in relation to the identification, transfer and capitalisation of good practices on integrated and sustainable urban development, taking into account the linkages between urban and rural areas including support to actions developed in the framework of Article 11 of Regulation (EU) 2021/...⁺, complementing and being coordinated with the initiative outlined in Article 12 thereof; a programme for the exchange of experiences, innovative approaches and capacity building with a view to harmonising and simplifying the implementation of Interreg programmes, to harmonising and simplifying cooperation actions referred in point (d) (v) of Article 22(3) of Regulation (EU) 2021/...⁺⁺, and supporting the setting-up, functioning and use of European groupings of territorial cooperation ('EGTCs') already set up or to be set up pursuant to Regulation (EC) No 1082/2006 of the European Parliament and of the Council¹ as well as macro-regional strategies; and a programme to improve the analysis of development trends.

⁺ OJ: please insert in the text the number of the Regulation contained in document ST 6168/21 [2018/0197(COD)].

⁺⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

¹ Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC) (OJ L 210, 31.7.2006, p. 19).

The four programmes under the interregional cooperation strand should cover the whole Union and should also be open for the participation of third countries.

- (11) Common objective criteria for designating eligible regions and areas should be established. To that end, the identification of eligible 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 of the Council¹.

¹ 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).

- (12) It is necessary to continue supporting or, as appropriate, to establish cooperation in all its dimensions with the Union's neighbouring third countries, as such cooperation is an important regional development policy tool and should benefit the regions of the Member States which border third countries. To that effect, the ERDF and the external financing instruments of the Union, the Instrument for Pre-Accession Assistance (IPA III) established by a Regulation of the European Parliament and of the Council establishing the Instrument for Pre-accession Assistance (IPA III) (the 'IPA III Regulation'), NDICI and OAD should support programmes under cross-border cooperation, transnational cooperation, interregional cooperation and outermost regions' cooperation. The support from the ERDF and from the external financing instruments of the Union should be based on reciprocity and proportionality. However, for IPA III funds allocated to cross-border cooperation ('IPA III-CBC') and NDICI funds allocated to cross-border cooperation for the neighbourhood geographic area ('NDICI-CBC'), the ERDF support should be complemented by at least equivalent amounts under IPA III-CBC and NDICI-CBC, subject to a maximum amount set out in the respective legal act.

- (13) IPA III assistance is to mainly focus on assisting the IPA III beneficiaries to strengthen democratic institutions and the rule of law, reform the judiciary and public administration, respect fundamental rights and promote gender equality, tolerance, social inclusion and non-discrimination as well as regional and local development. IPA III assistance is to continue to support the efforts of the IPA III beneficiaries to advance regional, macro-regional and cross-border cooperation as well as territorial development, including through the implementation of Union macro-regional strategies. In addition, IPA III assistance is to address security, migration and border management, ensuring access to international protection, sharing relevant information, enhancing border control and pursuing common efforts in the fight against irregular migration and migrant smuggling.
- (14) With regard to NDICI assistance, the Union should develop a special relationship with neighbouring countries, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation. This Regulation should therefore support internal and external aspects of relevant macro-regional strategies. Those initiatives are strategically important and offer meaningful political frameworks for deepening relations with and among partner countries, based on the principles of mutual accountability, shared ownership and responsibility.

- (15) It is important to continue observing the role of the European External Action Service as established in Council Decision 2010/427/EU¹ and that of the Commission in the preparation of the strategic programming and of Interreg programmes supported by the ERDF and the NDICI.
- (16) In view of the specific situation of outermost regions of the Union, it is necessary to adopt measures concerning the improvement of conditions under which those regions are able to have access to structural funds. Consequently, certain provisions of this Regulation should be adapted to the specificities of the outermost regions of the Union in order to simplify and foster their cooperation with overseas countries and territories ('OCTs') and third countries, while taking into account the Commission communication of 24 October 2017 entitled 'A stronger and renewed strategic partnership with the EU's outermost regions'. It should be possible for that cooperation to be carried out in close partnership with regional integration and cooperation organisations.
- (17) This Regulation should lay down the possibility of the OCTs to participate in Interreg programmes. The specificities and challenges of the OCTs should be taken into consideration in order to facilitate their effective access and participation.

¹ Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service (OJ L 201, 3.8.2010, p. 30).

- (18) It is necessary to set out the resources allocated to each of the different strands of Interreg, including each Member State's share of the global amounts for cross-border cooperation, transnational cooperation, outermost regions' cooperation and the potential available to Member States concerning flexibility between those strands.
- (19) For the most efficient use of the support from the ERDF and the external financing instruments of the Union, a mechanism should be set up to organise the return of such support in cases where external cooperation programmes cannot be adopted or have to be discontinued, including with third countries which do not receive support from any financing instrument of the Union. That mechanism should seek to achieve optimal functioning of the programmes and the maximum possible coordination between those instruments.
- (20) The ERDF should contribute, under Interreg, to the specific objectives under the cohesion policy objectives. However, the list of the specific objectives under the different policy objectives should be adapted to the specific needs of Interreg in order to allow for ESF-type interventions, according to points (a) to (l) of Article 4(1) of Regulation (EU) 2021/... of the European Parliament and of the Council¹⁺ through joint actions under Interreg programmes.

¹ Regulation (EU) 2021/... of the European Parliament and of the Council of ... establishing the European Social Fund Plus (ESF+), and repealing Regulation (EU) No 1296/2013 (OJ L ..., p. ...).

⁺ OJ: please insert in the text the number of the Regulation contained in document ST 6980/21 [2018/0206 (COD)] and insert the number, date, title and OJ reference of that Regulation in the footnote.

- (21) Within the context of the unique and specific circumstances on the island of Ireland, and with a view to supporting North-South cooperation under the Good Friday Agreement, a PEACE PLUS cross-border programme is to continue and build on the work of previous programmes between the border counties of Ireland and Northern Ireland. Taking into account its practical importance, it is necessary to ensure that, where that programme is acting in support of peace and reconciliation, the ERDF should also contribute to promoting social, economic and regional stability and cooperation in the regions concerned, in particular through actions that promote cohesion between communities. Given the specificities of that programme, it should be managed in an integrated manner with the United Kingdom contribution being integrated into that programme as external assigned revenue. Furthermore, certain rules on the selection of operations in this Regulation should not apply to that programme in relation to operations in support of peace and reconciliation.
- (22) This Regulation should add two Interreg-specific objectives: an objective to support strengthening institutional capacity, enhancing legal and administrative cooperation, in particular where linked to implementation of the Border Regions Communication, intensify cooperation between citizens and institutions and the development and coordination of macro-regional and sea-basin strategies, build up mutual trust, in particular by encouraging people-to-people actions; and a second objective to address cooperation issues on safety, security, border crossing management and migration.

- (23) The major part of the Union support should be concentrated on a limited number of policy objectives in order to maximise the impact of Interreg. Synergies and complementarities between the strands of Interreg should be strengthened.
- (24) Provisions on the preparation, approval and amendment of Interreg programmes as well as on territorial development, on the selection of operations, on monitoring and evaluation, on the programme authorities, on audit of operations, and on transparency and communication should be adapted to the specificities of Interreg programmes compared to the provisions set out in Regulation (EU) 2021/...⁺. Those specific provisions should be kept simple and clear in order to avoid gold-plating and additional administrative burdens for Member States and beneficiaries.
- (25) The provisions on the criteria for operations to be considered as genuinely joint and cooperative, on the partnership within an Interreg operation and on the obligations of the lead partner as set out during the 2014-2020 programming period should be continued. Interreg partners should cooperate in development and implementation as well as in staffing or financing, or both, and under outermost regions' cooperation, in two out of four of these cooperation dimensions, as it should be simpler to combine support from the ERDF and external financing instruments from the Union both on the level of programmes and operations.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

- (26) Under cross-border cooperation programmes, people-to-people and small-scale projects are important and successful instruments, with high European added value, for eliminating border and cross border obstacles, fostering contacts between people locally and, bringing border regions and their citizens closer together. So far they have been supported via small-project funds or similar instruments, although they have never been covered by specific provisions, making it necessary to clarify the rules governing those funds. In order to maintain the added value and advantages of people-to-people and small-scale projects, also with regard to local and regional development, and to simplify the management of the financing of small projects by the final recipients who are often not used to applying for Union funds, the use of simplified cost options and of lump sums should be made obligatory below a certain threshold.

- (27) Due to the involvement of more than one Member State, and the resulting higher administrative costs, including for regional points of contact also known as 'antennae', which are important points of contact for those proposing and implementing projects, and therefore function as a direct line to the joint secretariats or the relevant authorities, but in particular in respect of controls and translation, the ceiling for technical assistance expenditure should be higher than that under the Investment for jobs and growth goal. In order to offset the higher administrative costs, Member States should be encouraged to reduce the administrative burden with regard to the implementation of joint projects wherever possible. In addition, Interreg programmes with limited Union support or external cross-border Interreg programmes should receive a certain minimum amount for technical assistance to ensure sufficient funding for effective technical assistance activities, including for regional branch offices of joint secretariats and contact points set up to be closer to potential beneficiaries and partners.
- (28) Pursuant to paragraphs 22 and 23 of the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹, this Regulation should be evaluated on the basis of information collected in accordance with specific monitoring requirements, while avoiding an administrative burden, in particular on Member States, and overregulation. Those requirements, where appropriate, should include measurable indicators as a basis for evaluating the effects of the funding on the ground.

¹ OJ L 123, 12.5.2016, p. 1.

- (29) Based on the experience gained during the 2014-2020 programming period, the system introducing a clear hierarchy of rules on eligibility of expenditure should be continued while maintaining the principle of rules on eligibility of expenditure to be established at Union level and for an Interreg programme as a whole to avoid any possible contradictions or inconsistencies between different regulations and between Union and national law. Additional rules adopted by one Member State which would only apply to the beneficiaries in that Member State should be limited to the strict minimum. In particular, Commission Delegated Regulation (EU) No 481/2014¹, adopted for the 2014-2020 programming period, should be integrated into this Regulation.
- (30) Member States should be encouraged to assign the functions of the managing authority to an EGTC or to make such a grouping, like other cross-border legal bodies, responsible for managing a sub-programme, an integrated territorial investment or one or more small project funds, or to act as sole partner. In that context, a cross-border legal body, including euroregions, should be established and have legal personality pursuant to the law of one of the participating countries, and the participation of regional and local authorities from all participating countries should be granted.

¹ Commission Delegated Regulation (EU) No 481/2014 of 4 March 2014 supplementing Regulation (EU) No 1299/2013 of the European Parliament and of the Council with regard to specific rules on eligibility of expenditure for cooperation programmes (OJ L 138, 13.5.2014, p. 45).

- (31) In order to continue the payment chain established for the 2014-2020 programming period, namely, from the Commission to the lead partner via the certifying authority, that payment chain should be continued under the accounting function. The Union support should be paid to the lead partner, unless this would result in double fees for conversion into euro and back into another currency or vice versa between the lead partner and the other partners. If not otherwise specified, the lead partner should ensure that the other partners receive the total amount of the contribution from the respective Union fund in full and within the timeframe agreed by all partners and following the same procedure applied in respect of the lead partner.
- (32) Pursuant to Article 63(9) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council¹ (the 'Financial Regulation') sector-specific rules are to take account of the needs of Interreg programmes in particular as regards the audit function. The provisions on the annual audit opinion, the annual control report and the audits of operations should therefore be simplified and adapted to those programmes involving more than one Member State.

¹ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1)

- (33) A clear chain of financial liability in respect of recovery for irregularities should be established from sole or other partners via the lead partner and the managing authority to the Commission. Provision should be made for liability of Member States, third countries, partner countries or OCTs, where obtaining recovery from the sole or other or lead partner is not successful, meaning that the Member State reimburses the managing authority. Consequently, under Interreg programmes there is no scope for irrecoverable amounts at the level of beneficiaries. It is, however, necessary to clarify the rules, should a Member State, third country, partner country or OCT not reimburse the managing authority. The obligations of the lead partner for recovery should also be clarified.

- (34) In order to apply a mostly common set of rules both in the participating Member States and third countries, partner countries or OCTs, this Regulation should also apply to the participation of third countries, partner countries or OCTs, unless specific rules are set out in a specific chapter of this Regulation. Interreg programme authorities may be mirrored by comparable authorities in third countries, partner countries or OCTs. The starting point for the eligibility of expenditure should be linked to the signature of the financing agreement by the relevant third country, partner country or OCT. Procurement for beneficiaries in the third country, partner country or OCT should follow the rules for external procurement provided for in the Financial Regulation. The procedures for the conclusion of financing agreements with each of the third countries, partner countries or OCTs as well as of the agreements between the managing authority and each third country, partner country or OCT with regard to the support from an external financing instrument of the Union or in the case of transfer of an additional contribution from a third country, partner country or OCT to the Interreg programme other than national co-financing should be set out.
- (35) Although Interreg programmes with the participation of third countries, partner countries or OCTs should be implemented under shared management, it should be possible for outermost regions' cooperation to be implemented under indirect management. Specific rules should be set out on how to implement those programmes as a whole or partially under indirect management.

- (36) Based on the experience gained during the 2014-2020 programming period with large infrastructure projects within cross-border cooperation programmes under the European Neighbourhood Instrument established by Regulation (EU) No 232/2014 of the European Parliament and of the Council¹, the procedures should be simplified. However, the Commission should retain certain rights concerning the selection of such projects.
- (37) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt and amend the lists of Interreg programme areas to receive support and the list of the global amount of the Union support for each Interreg programme. Implementing powers should also be conferred on the Commission to adopt the multi-annual strategy documents for Interreg programmes supported by an external financing instrument of the Union. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council². Although those acts are of a general nature, the advisory procedure should be used given that they only implement the provisions in a technical way. Where applicable, the multi-annual strategy documents for Interreg programmes supported by an external financial instrument should also respect the procedure set out in the IPA III Regulation and Regulation (EU) 2021/...⁺.

¹ Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument (OJ L 77, 15.3.2014, p. 27).

² Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6879/21 [2018/0243(COD)].

- (38) In order to ensure uniform conditions for the approval Interreg programmes and of amendments thereto, implementing powers should be conferred on the Commission. Where applicable, external cross-border Interreg programmes should respect committee procedures established under the IPA III Regulation and Regulation (EU) 2021/...⁺ with regard to the first approval decision of those programmes.
- (39) In order to supplement or amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending the Annex. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. 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.
- (40) In view of the adoption of this Regulation after the start of the programming period, and taking into account the need to implement Interreg in a coordinated and harmonised manner, and in order to allow for its prompt implementation, it should enter into force on the day following that of its publication in the *Official Journal of the European Union*.

⁺ OJ: Please insert in the text the number of the Regulation contained in document st 6879/21 [2018/0243(COD)].

- (41) Since the objective of this Regulation, namely to foster cooperation between Member States and between Member States and third countries, partner countries or OCTs cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of the action, 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 Treaty on European Union. 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 that objective,

HAVE ADOPTED THIS REGULATION:

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Chapter I

General provisions

SECTION I

SUBJECT MATTER, SCOPE AND INTERREG STRANDS

Article 1

Subject matter and scope

This Regulation lays down rules for the European territorial cooperation goal (Interreg) with a view to fostering cooperation between Member States and their regions inside the Union and between Member States, their regions and third countries, partner countries, other territories or overseas countries and territories (OCTs), or regional integration and cooperation organisations.

This Regulation also lays down the provisions necessary to ensure effective programming including on technical assistance, monitoring, evaluation, communication, eligibility, management and control, as well as financial management of programmes under Interreg ('Interreg programmes') supported by the European Regional Development Fund (ERDF).

With regard to support from the Instrument for Pre-Accession Assistance (IPA III), the Neighbourhood, Development and International Cooperation Instrument (NDICI) and the funding for all the OCTs for the 2021-2027 programming period established as a programme by Decision 2013/755/EU (jointly referred to as 'the external financing instruments of the Union') to Interreg programmes, this Regulation sets out additional specific objectives as well as the integration of those funds into Interreg programmes, the criteria for third countries, partner countries and OCTs and their regions to be eligible and certain specific implementation rules.

With regard to support from the ERDF and the external financing instruments of the Union (jointly referred to as 'the Interreg funds') to Interreg programmes, this Regulation sets out the Interreg-specific objectives as well as the organisation of Interreg, the eligibility criteria for Member States, third countries, partner countries and OCTs and their regions, the financial resources, and the criteria for their allocation.

Regulation (EU) 2021/...⁺ and Regulation (EU) 2021/...⁺⁺ shall apply to Interreg programmes, except where specifically provided for otherwise under those Regulations and this Regulation or where Regulation (EU) 2021/...⁺ can only apply to the Investment for jobs and growth goal.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

⁺⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6168/21 [2018/0197(COD)].

Article 2
Definitions

For the purpose of this Regulation, the definitions in Article 2 of Regulation (EU) 2021/...⁺ apply. The following definitions also apply:

- (1) 'IPA III beneficiary' means a country or territory listed in the relevant annex to the IPA III Regulation;
- (2) 'third country' means a country which is not a Member State and does not receive support from the Interreg funds or which contributes to the general budget of the Union ('Union budget') by external assigned revenue;
- (3) 'partner country' means an IPA III beneficiary or a country or territory covered, for Interreg A and B programmes, by the Neighbourhood area listed in Annex I to Regulation (EU) 2021/...⁺⁺ or the Russian Federation, or for Interreg C and D programmes, a country or territory covered by any geographic area under NDICI, and which receives support from the external financing instruments of the Union;

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

⁺⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6879/21 [2018/0243(COD)].

- (4) 'cross-border legal body' means a legal body established pursuant to the law of one of the participating countries in an Interreg programme provided that it is set up by territorial authorities or other bodies from at least two participating countries;
- (5) 'regional integration and cooperation organisation' means, in the context of outermost regions cooperation, a group of third countries or regions in the same geographic area that aim to cooperate closely on issues of common interest, of which Member States may also be part.

For the purpose of this Regulation, where Regulation (EU) 2021/...⁺ refers to a 'Member State', this shall be construed as meaning 'the Member State hosting the managing authority' and where that Regulation refers to 'Each Member State' or 'Member States', this shall be construed as meaning 'the Member States and, where applicable, third countries, partner countries and OCTs participating in a given Interreg programme'.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

For the purpose of this Regulation, where Regulation (EU) 2021/...⁺ refers to 'the Funds' as listed in point (a) of Article 1(1) of that Regulation or to Regulation (EU) 2021/...⁺⁺, this shall be construed as also covering the respective external financing instrument of the Union.

Article 3

Interreg strands

Under Interreg, the ERDF and, where applicable, external financing instruments of the Union, shall support the following strands:

- (1) cross-border cooperation between adjacent regions to promote integrated and harmonious regional development between neighbouring land and maritime border regions ('Interreg A'):
 - (a) internal cross-border cooperation between adjacent border regions of two or more Member States or between adjacent border regions of at least one Member State and one or more third countries referred to in Article 4(2); or

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

⁺⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6168/21 [2018/0197(COD)].

- (b) external cross-border cooperation, between adjacent border regions of at least one Member State and of one or more of the following:
 - (i) IPA III beneficiaries;
 - (ii) partner countries supported by NDICI; or
 - (iii) the Russian Federation, for the purpose of enabling its participation in cross-border cooperation also supported by NDICI;
- (2) transnational cooperation over larger transnational territories or around sea-basins, involving national, regional and local programme partners in Member States, third countries and partner countries and OCTs, with a view to achieving a higher degree of territorial integration ('Interreg B');
- (3) interregional cooperation to reinforce the effectiveness of cohesion policy ('Interreg C') by promoting:
 - (a) exchange of experiences, innovative approaches and capacity building focusing on policy objectives set out in Article 5(1) of Regulation (EU) 2021/...⁺ and the Interreg-specific objective 'a better cooperation governance', in relation to the identification, dissemination and transfer of good practices into regional development policies including Investment for jobs and growth goal programmes (the 'Interreg Europe programme');

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

- (b) exchange of experiences, innovative approaches and capacity building in relation to the identification, transfer and capitalisation of good practices on integrated and sustainable urban development, taking into account the linkages between urban and rural areas, supporting actions developed in the framework of Article 11 of Regulation (EU) 2021/...⁺ and while also complementing in a coordinated way with the initiative outlined in Article 12 of that Regulation (the 'URBACT programme');
- (c) exchange of experiences, innovative approaches and capacity building with a view to (the 'INTERACT programme'):
 - (i) harmonising and simplifying the implementation of Interreg programmes as well as contributing to the capitalisation of their results;

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6168/21 [2018/0197(COD)].

- (ii) harmonising and simplifying the possible cooperation actions referred to in point (d) (vii) of paragraph 3 of Article 22 of Regulation (EU) 2021/...⁺;
 - (iii) supporting the setting-up, functioning and use of European groupings of territorial cooperation (EGTCs);
 - (d) analysis of development trends in relation to the aims of territorial cohesion (the 'ESPON programme');
- (4) outermost regions' cooperation among themselves and with their neighbouring third or partner countries or OCTs, or regional integration and cooperation organisations, or several thereof, to facilitate their regional integration and harmonious development in their neighbourhood ('Interreg D').

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

SECTION II

GEOGRAPHICAL COVERAGE

Article 4

Geographical coverage for cross-border cooperation

1. For cross-border cooperation, the regions to be supported by the ERDF shall be the NUTS level 3 regions of the Union along all internal and external land borders with third countries or partner countries and all NUTS level 3 regions of the Union along maritime borders separated by a maximum of 150 km of sea, without prejudice to potential adjustments needed to ensure the coherence and continuity of cooperation programme areas and where cross-border interaction may effectively take place.
2. Internal cross-border cooperation Interreg programmes may cover regions in Norway, Switzerland and the United Kingdom which are equivalent to NUTS level 3 regions as well as Andorra, Liechtenstein, Monaco and San Marino.

3. For external cross-border cooperation, the regions to be supported by IPA III or NDICI shall be NUTS level 3 regions of the respective partner country or, in the absence of a NUTS classification, equivalent areas along all land and maritime borders between Member States and partner countries eligible under IPA III or NDICI, without prejudice to potential adjustments needed to ensure the coherence and continuity of cooperation programme areas.

Article 5

Geographical coverage for transnational cooperation

1. For transnational cooperation, the regions to be supported by the ERDF shall be the NUTS level 2 regions of the Union, including outermost regions, covering larger transnational territories and taking into account, where applicable, macro-regional strategies or sea basin strategies.
2. At the request of the Member State or Member States concerned when submitting a transnational cooperation programme, that programme may also include one or more outermost regions from the Member State or Member States concerned.

3. Transnational cooperation programmes may cover the following territories, whether or not they are supported from the Union budget:
 - (a) regions in Iceland, Norway, Switzerland and the United Kingdom as well as Andorra, Liechtenstein, Monaco and San Marino;
 - (b) OCTs;
 - (c) the Faroe Islands;
 - (d) regions of partner countries under IPA III or NDICI.
4. The regions, third countries, partner countries, or OCTs referred to in paragraph 3 shall be NUTS level 2 regions or, in the absence of a NUTS classification, equivalent areas.

Article 6

Geographical coverage for interregional cooperation

1. For interregional cooperation, the entire territory of the Union, including the outermost regions, shall be supported by the ERDF.

2. Interregional cooperation programmes may cover the whole territory of third countries, partner countries and other territories, or a part thereof, or OCTs referred to in Articles 4, 5 and 7, whether or not they are supported by the external financing instruments of the Union.

Article 7

Geographical coverage for outermost regions' cooperation

1. For the outermost regions' cooperation, all regions listed in the first paragraph of Article 349 TFEU shall be supported by the ERDF.
2. Interreg programmes involving the outermost regions may cover partner countries or parts thereof supported by the NDICI or OCTs supported by the Overseas Countries and Territories Programme (OCTP), or both.

Article 8

List of Interreg programme areas to receive support

1. For the purposes of Articles 4 to 7, the Commission shall adopt implementing acts setting out the list of Interreg programme areas to receive support, broken down for each strand and each Interreg programme. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 63(2).

External cross-border programmes shall be listed as 'Interreg A IPA III CBC programmes' (IPA III-CBC) or 'Interreg A NEXT programmes' (NDICI-CBC).

2. The implementing acts referred to in the first subparagraph of paragraph 1 shall also contain a list specifying those NUTS level 3 regions of the Union taken into account for the ERDF allocation for cross-border cooperation at all internal borders and those external borders covered by the external financing instruments of the Union.
3. Regions of third or partner countries or territories outside the Union which do not receive support from the ERDF or from an external financing instrument of the Union, or which contribute to the Union budget by external assigned revenue, shall also be mentioned in the list referred to in the second subparagraph of paragraph 1.

SECTION III
RESOURCES AND CO-FINANCING RATES

Article 9

ERDF resources for Interreg programmes

1. The ERDF resources for Interreg programmes shall amount to EUR 8 050 000 000 in 2018 prices of the global resources available for budgetary commitment from the ERDF, ESF+ and the Cohesion Fund for the 2021-2027 programming period and set out in Article 109(1) of Regulation (EU) 2021/...⁺.
2. The resources referred to in paragraph 1 shall be allocated as follows:
 - (a) 72,2 % (i.e., a total of EUR 5 812 790 000 for land and maritime cross-border cooperation ('strand A'));
 - (b) 18,2 % (i.e., a total of EUR 1 466 000 000 for transnational cooperation ('strand B'));
 - (c) 6,1 % (i.e., a total of EUR 490 000 000 for interregional cooperation ('strand C'));
 - (d) 3,5 % (i.e., a total of EUR 281 210 000 for outermost regions' cooperation ('strand D')).

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

3. The Commission shall communicate to each Member State its share of the global amounts for strands A, B and D, pursuant to the methodology provided for in point 8 of Annex XXIV of Regulation (EU) 2021/...⁺, broken down by year.
4. Each Member State may transfer up to 15% of its financial allocation for each of the strands A, B and D from one of those strands to one or more of the others.
5. Based on the amounts communicated pursuant to paragraph 3, each Member State shall inform the Commission whether and how it has used the transfer option provided for in paragraph 4 and the resulting distribution of its share among the Interreg programmes in which the Member State participates.

Article 10

Cross-fund provisions

1. The Commission shall adopt implementing acts setting out the multi-annual strategy documents with regard to external cross-border and transnational cooperation programmes supported by the ERDF and NDICI, by the ERDF and IPA III, or by the ERDF, NDICI and IPA III. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 63(2) of this Regulation and, where appropriate, with due respect for the procedure set out in the IPA III Regulation.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

With regard to Interreg programmes supported by the ERDF and the NDICI, the implementing act shall set out the elements referred to in Article 14(2) of Regulation (EU) 2021/...⁺.

With regard to Interreg programmes supported by the ERDF and IPA III, the implementing act shall also cover, where relevant, the participation of IPA III beneficiaries or partner countries in Interreg C and D programmes.

2. The contribution from the ERDF to external cross-border Interreg programmes to be also supported from the financial envelope under IPA III-CBC or from the financial envelope under NDICI-CBC shall be established by the Commission and the Member States concerned. The ERDF contribution established for each Member State shall not subsequently be reallocated between the Member States concerned.

The respective contributions from IPA III and NDICI to Interreg B, C and D programmes shall take account of the composition of the programme partnership by Member States, IPA III beneficiaries and partner countries. Those contributions may be set out in the multi-annual strategy documents covered by the first subparagraph of paragraph 1.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6879/21 [2018/0243(COD)].

3. Support from the ERDF shall be granted to individual external cross-border programmes provided that at least equivalent amounts are provided by IPA III CBC and NDICI-CBC under the relevant multi-annual strategy document. That contribution shall be subject to a maximum amount set out in the IPA III Regulation or Regulation (EU) 2021/...⁺.

However, where the review of the relevant strategic programming documents under IPA III or NDICI results in the reduction of the matching amount for the remaining years, each Member State concerned shall choose from the following options:

- (a) to request the mechanism referred to in Article 12(3);
 - (b) to continue the Interreg programme with the remaining support from the ERDF and IPA III CBC or NDICI-CBC; or
 - (c) to combine the options referred to in points (a) and (b) of this subparagraph.
4. The annual appropriations corresponding to the support from the ERDF, IPA III CBC or NDICI-CBC to external cross-border Interreg programmes shall be entered in the relevant budget lines for the 2021 budgetary exercise.

⁺ OJ: please insert in the text the number of the Regulation contained in the document ST 6879/21 [2018/0243(COD)].

5. Where the Commission has included a specific financial allocation to assist partner countries or regions under Regulation (EU) 2021/...⁺ and OCTs under Decision 2013/755/EU, or both, in strengthening their cooperation with neighbouring outermost regions of the Union in accordance with Article 33(2) of Regulation (EU) 2021/...⁺ or Article 87 of Decision 2013/755/EU, or both, the ERDF may also contribute in accordance with this Regulation, where appropriate and on the basis of reciprocity and proportionality as regards the level of funding from the NDICI or the OCTP, or both, to actions implemented by a partner country or region or any other entity under Regulation (EU) 2021/...⁺, by a country, territory or any other entity under Decision 2013/755/EU or by a Union outermost region under, in particular, one or more joint Interreg B, C or D programmes or under cooperation measures referred to in Article 59 of this Regulation that are established and implemented pursuant to this Regulation.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6879/21 [2018/0243(COD)].

Article 11

List of Interreg programme resources

1. On the basis of the information provided by Member States pursuant to Article 9(5), the Commission shall adopt implementing acts setting out a list of all Interreg programmes and indicating for each programme the global amount of the total support from the ERDF and, where applicable, the total support from each external financing instrument of the Union. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 63(2).
2. Those implementing acts shall also contain a list of the amounts transferred pursuant to Article 9(4) broken down by Member State.

Article 12

Return of resources and discontinuation

1. If for 2022 or 2023 an external cross-border programme has not been submitted to the Commission by 31 March of the year concerned, the annual contribution from the ERDF to that programme that has not been re-allocated to another programme submitted under the same category of external cross-border Interreg programmes shall be allocated to the internal cross-border Interreg programmes in which the Member State concerned participates.

2. If, by 31 March 2024, there are still external cross-border Interreg programmes which have not been submitted to the Commission, the contribution from the ERDF referred to in Article 9(5) to those programmes for the remaining years up to 2027, which has not been re-allocated to another Interreg programme also supported by IPA III CBC or NDICI-CBC respectively, shall be allocated to the internal cross-border Interreg programmes in which the Member State concerned participates.
3. Any external cross-border Interreg programme already approved by the Commission shall be discontinued or the allocation to that programme shall be reduced, in accordance with the applicable rules and procedures, in particular if:
 - (a) none of the partner countries covered by the Interreg programme concerned has signed the relevant financing agreement by the deadlines set out in accordance with Article 59; or
 - (b) the Interreg programme cannot be implemented as planned due to problems in relations between the participating countries.

In such cases, the contribution from the ERDF referred to in paragraph 1 corresponding to annual instalments not yet committed, or annual instalments committed and decommitted totally or partially during the same budgetary year, which have not been re-allocated to another Interreg programme also supported by IPA III CBC or NDICI-CBC respectively, shall be allocated to the internal cross-border Interreg programmes in which the Member State concerned participates.

4. With regard to an Interreg B programme already approved by the Commission, the participation of a partner country or of an OCT shall be discontinued if one of the situations set out in points (a) or (b) of the first subparagraph of paragraph 3 is fulfilled.

The participating Member States and, where applicable, the remaining participating partner countries, shall request that:

- (a) the Interreg programme be discontinued, in particular where the main joint development challenges thereof cannot be achieved without the participation of that partner country or OCT;
- (b) the allocation to that Interreg programme be reduced, in accordance with the applicable rules and procedures; or
- (c) the Interreg programme be continued without the participation of that partner country or OCT.

Where the allocation to the Interreg programme is reduced pursuant to point (b), the contribution from the ERDF corresponding to annual instalments not yet committed, shall be allocated to another Interreg B programme in which one or more of the Member States concerned participate or, where a Member State only participates in one Interreg B programme, to one or more internal cross-border Interreg programmes in which that Member State participates.

5. The contribution from IPA III, NDICI or OCTP reduced pursuant to this Article shall be used in accordance with the IPA III Regulation, Regulation (EU) 2021/...⁺ or Decision 2013/755/EU respectively.
6. Where a third country, partner country or OCT which contributes to an Interreg programme with national resources which do not constitute the national co-financing of support from the ERDF or from an external financing instrument of the Union, reduces that contribution during the implementation of the Interreg programme, either globally or with regard to joint operations already selected and having received the document provided for in Article 22(6), the participating Member State or Member States shall request one of the options set out in the second subparagraph of paragraph 4 of this Article.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6879/21 [2018/0243(COD)].

Article 13
Co-financing rates

1. The co-financing rate at the level of each Interreg programme shall be not higher than 80 %.
2. Notwithstanding paragraph 1 of this Article, the co-financing rate for Interreg D programmes shall be not higher than 85 % unless a higher percentage is fixed in Decision 2013/755/EU or any act adopted pursuant to that Decision or, where applicable, adopted pursuant to Regulation (EU) 2021/...⁺, or any act adopted pursuant to that Regulation.
3. Where Interreg programmes are supported by the ERDF and IPA III CBC and where the allocation from the ERDF is 50 % or less of the total Union allocation, a higher percentage may be fixed in the IPA III Regulation or any act adopted pursuant to that Regulation.
4. Where Interreg programmes are supported by the ERDF, and either NDICI alone or both NDICI and IPA III, and where the allocation from the ERDF is 50 % or less of the total Union allocation, a higher percentage may be fixed in Regulation (EU) 2021/...⁺ or any act adopted pursuant to that Regulation.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6879/21 [2018/0243(COD)].

Chapter II

Interreg-specific objectives and thematic concentration

Article 14

Interreg-specific objectives

1. The ERDF, within its scope as set out in Article 5 of Regulation (EU) 2021/...⁺, and, where applicable, the external financing instruments of the Union shall contribute to the policy objectives set out in Article 5(1) of Regulation (EU) 2021/...⁺⁺ through joint actions under Interreg programmes.
2. In the case of the PEACE PLUS cross-border programme, where it is acting in support of peace and reconciliation, the ERDF, as a specific objective under policy objective 4, shall also contribute to promoting social, economic and regional stability in the regions concerned, in particular through actions to promote cohesion between communities. A separate priority shall support that specific objective.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6168/21 [2018/0197(COD)].

⁺⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

3. In addition to the specific objectives for the ERDF as set out in Article 3 of Regulation (EU) 2021/...⁺, the ERDF and, where applicable, the external financing instruments of the Union shall also contribute to the specific objectives (a) to (l) of Article 4(1) of Regulation (EU) 2021/...⁺⁺ through joint actions under Interreg programmes.
4. Under Interreg programmes, the ERDF and, where applicable, the external financing instruments of the Union, may also support the Interreg-specific objective of 'a better cooperation governance', by one or more of the following actions:
 - (a) enhance the institutional capacity of public authorities, in particular those mandated to manage a specific territory, and of stakeholders (all strands);
 - (b) enhance efficient public administration by promoting legal and administrative cooperation and cooperation between citizens, civil society actors and institutions, in particular with a view to resolving legal and other obstacles in border regions (strands A, C, D and, where appropriate, strand B);
 - (c) build up mutual trust, in particular by encouraging people-to-people actions (strands A, D and, where appropriate, strand B);

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6168/21 [2018/0197(COD)].

⁺⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6980/21 [2018/0206(COD)].

- (d) enhance institutional capacity of public authorities and stakeholders to implement macro-regional strategies and sea-basin strategies, as well as other territorial strategies (all strands);
 - (e) enhance sustainable democracy and support civil society actors and their role in reforming processes and democratic transitions (all strands with involvement of third countries, partner countries or OCTs); and
 - (f) other actions to support better cooperation governance (all strands).
5. Under Interreg programmes, the ERDF and, where applicable, the external financing instruments of the Union, may also contribute to the Interreg-specific objective of 'a safer and more secure Europe', in particular by actions in the fields of border crossing management and mobility and migration management, including the protection and economic and social integration of third-country nationals, for example migrants and beneficiaries of international protection.

Article 15

Thematic concentration

1. At least 60 % of the ERDF contribution and, where applicable, of the external financing instruments of the Union allocations to each Interreg A, B and D programme shall be allocated to policy objective 2 and a maximum of two other policy objectives set out in Article 5(1) of Regulation (EU) 2021/...⁺.

Interreg A programmes along internal land borders shall allocate at least 60 % of the allocated ERDF contribution to policy objectives 2 and 4 and a maximum of two other policy objectives set out in Article 5(1) of Regulation (EU) 2021/...⁺.

2. Up to 20 % of the ERDF contribution and, where applicable, of the external financing instruments of the Union allocations to each Interreg A, B and D programme may be allocated to the Interreg-specific objective of 'a better cooperation governance' and up to 5 % may be allocated to the Interreg-specific objective of 'a safer and more secure Europe'.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

3. Where an Interreg B programme supports a macro-regional strategy or a sea-basin strategy, at least 80 % of the ERDF contribution and, where applicable, part of the external financing instruments of the Union allocations under priorities other than for technical assistance shall contribute to the objectives of that strategy.
4. All of the policy objectives set out in the Article 5(1) of Regulation (EU) 2021/...⁺ and the Interreg-specific objective of 'a better cooperation governance' may be selected for Interreg Europe and URBACT programmes. For the INTERACT and ESPON programme, the total ERDF contribution and, where applicable, the external financing instruments of the Union allocations shall be allocated to the Interreg-specific objective of 'a better cooperation governance'.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

Chapter III

Programming

SECTION I

PREPARATION, APPROVAL AND AMENDMENT OF INTERREG PROGRAMMES

Article 16

Preparation and submission of Interreg programmes

1. The European territorial cooperation goal (Interreg) shall be implemented through Interreg programmes under shared management with the exception of Interreg D programmes, which may be implemented as a whole or partially under indirect management in agreement with the Member State or Member States concerned after consulting stakeholders.
2. The participating Member States and, where applicable, third countries, partner countries, OCTs, or regional integration and cooperation organisations shall prepare an Interreg programme in accordance with the template set out in the Annex for the period from 1 January 2021 to 31 December 2027.

3. The participating Member States shall prepare an Interreg programme in cooperation with the programme partners referred to in Article 8 of Regulation (EU) 2021/...⁺. In the preparation of Interreg B programmes, covering macro-regional or sea basin strategies, the Member States and the programme partners shall take into account the thematic priorities of the relevant macro-regional and sea basins strategies and consult the relevant actors, as well as ensure that these actors at macro-regional and sea basin level are brought together at the start of the programming period in line with that Article.

The participating third countries or partner countries or, where applicable, OCTs shall also involve the programme partners, including regional integration and cooperation organisations, equivalent to those referred to in that Article.

4. The Member State hosting the prospective managing authority shall submit an Interreg programme to the Commission by ... [9 months after the date of entry into force of this Regulation] on behalf of all participating Member States and, where applicable, third countries, partner countries or OCTs, or regional integration and cooperation organisations.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

However, where an Interreg programme covers support from an external financing instrument of the Union, the Member State hosting the prospective managing authority shall submit the Interreg programme to the Commission not later than nine months after the adoption by the Commission of the relevant multi-annual strategy documents provided for in Article 10(1) or in accordance with the respective basic legislative act of that external financing instrument of the Union.

5. The participating Member States and, where applicable, third countries, partner countries or OCTs shall confirm in writing their agreement to the contents of an Interreg programme prior to its submission to the Commission. That agreement shall also include a commitment by all participating Member States and, where applicable, third countries, partner countries or OCTs to provide the co-financing necessary to implement the Interreg programme and, where applicable, the commitment for the financial contribution of the third countries, partner countries or OCTs.

By way of derogation from the first subparagraph, in the case of Interreg programmes involving outermost regions and third countries, partner countries or OCTs, the Member States concerned shall consult the respective third countries, partner countries or OCTs before submitting the Interreg programmes to the Commission. In that case, the agreements to the contents of the Interreg programmes and the possible financial contribution by the third countries, partner countries or OCTs may be expressed instead in the formally approved minutes of the consultation meetings with the third countries, partner countries or OCTs concerned or of the deliberations of regional integration and cooperation organisations.

6. The Commission is empowered to adopt delegated acts in accordance with Article 62 to amend the Annex in order to adapt to changes occurring during the programming period for non-essential elements thereof.

Article 17

Content of Interreg programmes

1. Each Interreg programme shall set out a joint strategy for the programme's contribution to the policy objectives set out in Article 5(1) of Regulation (EU) 2021/...⁺ and, where relevant, to the Interreg-specific objectives set out in Article 14(4) and (5) of this Regulation and the communication of its results.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

2. Each Interreg programme shall consist of priorities.

Each priority shall correspond to a single policy objective or, where applicable, to one or both Interreg-specific objectives respectively and shall consist of one or more specific objectives. More than one priority may correspond to the same policy or Interreg-specific objective.

3. Each Interreg programme shall set out:

- (a) the programme area, including, whenever possible, a map thereof as a separate document;
- (b) a summary of the main joint challenges, taking into account:
 - (i) economic, social and territorial disparities as well as inequalities;
 - (ii) joint investment needs and complementarity and synergies with other funding programmes and instruments;
 - (iii) lessons learnt from past experience;
 - (iv) macro-regional strategies and sea-basin strategies where the programme area as a whole or partially is covered by one or more strategies;

- (c) a justification for the selected policy objectives and Interreg-specific objectives, corresponding priorities, specific objectives or actions under the Interreg-specific objectives and the forms of support, addressing, where appropriate, missing links in cross-border infrastructure;
- (d) the specific objectives or actions under the Interreg-specific objectives for each priority;
- (e) for each specific objective or for each action under the Interreg-specific objectives:
 - (i) the related types of actions and their expected contribution to those specific objectives or actions under the Interreg-specific objectives and, where appropriate, to macro-regional strategies and sea-basin strategies;
 - (ii) output indicators and result indicators with the corresponding milestones and targets;
 - (iii) the main target groups;
 - (iv) an indication of the specific territories targeted, including the planned use of integrated territorial investments (ITI), community-led local development or other territorial tools;
 - (v) the planned use of financial instruments; and

- (vi) an indicative breakdown of the programmed resources by type of intervention;
- (f) a financing plan containing the following tables without any division per participating Member State, third country, partner country or OCT, unless specified otherwise therein:
 - (i) a table specifying, by year, the total financial allocation for the ERDF and, where relevant, for each external financing instrument of the Union for the whole programming period;
 - (ii) a table specifying, for each priority, the total financial allocation by the ERDF and, where relevant, by each external financing instrument of the Union by priority and the national co-financing and whether the national co-financing is made up of public and private co-financing;
- (g) the actions taken to involve the relevant programme partners referred to in Article 8 of Regulation (EU) 2021/...⁺ in the preparation of the Interreg programme, and the role of those programme partners in the implementation, monitoring and evaluation of that programme;

⁺ OJ: Please insert in the text the number of the Regulation contained in document st 6674/21 [2018/0196(COD)].

- (h) the envisaged approach to communication and visibility for the Interreg programme through defining its objectives, target audiences, communication channels, including social media outreach, where appropriate, planned budget and relevant indicators for monitoring and evaluation; and
- (i) an indication of support to small-scale projects, including small projects within small project funds.

When a Member State submits the programme, it shall ensure that the programme is accompanied for information purposes by a list of planned operations of strategic importance and a timetable.

4. As regards the information referred to in paragraph 3 for the tables referred to in point (f) of that paragraph and as concerns the support from external financing instruments of the Union, those financial allocations shall be set out as follows:

- (a) for Interreg A programmes supported by IPA III and NDICI as a single amount (IPA III CBC or NEXT CBC) combining the contribution from Heading 2 'Cohesion and Values', sub-ceiling Economic, social and territorial cohesion and Heading 6 'Neighbourhood and the World';

- (b) for Interreg B and C programmes supported by IPA III, NDICI or the OCTP as a single amount ('Interreg funds') combining the contribution from Heading 2 and Heading 6 or split per financing instrument ERDF, IPA III, NDICI and OCTP, pursuant to the choice of the programme partners;
 - (c) for Interreg B programmes supported by OCTP split per financing instrument (ERDF and OCTP);
 - (d) for Interreg D programmes supported by the NDICI and by the OCTP split per financing instrument (ERDF, NDICI and OCTP, as appropriate).
5. With regard to point (e)(vi) of the first subparagraph of paragraph 3 of this Article, the types of intervention shall be based on a nomenclature set out in Annex I to Regulation (EU) 2021/...⁺.
6. The Interreg programme shall:
- (a) identify the programme authorities and the body to which payments are to be made by the Commission;
 - (b) lay down the procedure for setting up the joint secretariat;

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

- (c) set out the apportionment of liabilities among the participating Member States and, where applicable, third or partner countries or OCTs, in the event of financial corrections imposed by the managing authority or the Commission.
- 7. The managing authority shall communicate to the Commission any changes in the information referred to in point (a) or (b) of paragraph 6 without requiring a programme amendment.
- 8. With regard to an Interreg A, B or D programme, where an A programme covers long borders with heterogeneous development challenges and needs, Member States and, where applicable, third countries, partner countries and OCTs participating in an Interreg programme may define sub-programme areas.
- 9. By way of derogation from paragraph 3, the content of Interreg C programmes shall be adapted to the specific character of those Interreg programmes, in particular as follows:
 - (a) the information referred to in point (a) of paragraph 3 is not required;
 - (b) the information required pursuant to points (b) and (g) of paragraph 3 shall be given as a short outline;

- (c) for each specific objective, the following information shall be given:
- (i) with regard to INTERACT and ESPON, the definition of a single beneficiary or a limited list of beneficiaries and the granting procedure;
 - (ii) the related types of actions and their expected contribution to the specific objectives;
 - (iii) output indicators and result indicators with the corresponding milestones and targets;
 - (iv) the main target groups; and
 - (v) an indicative breakdown of the programmed resources by type of intervention.

Article 18
Approval of Interreg programmes

1. The Commission shall assess each Interreg programme and its compliance with Regulations (EU) 2021/...⁺ and (EU) 2021/...⁺⁺ and this Regulation and, in the case of support from an external financing instrument of the Union and, where relevant, its consistency with the multi-annual strategy documents pursuant to Article 10(1) of this Regulation or the relevant strategic programming framework pursuant to the respective basic legislative act of one or more of those instruments.
2. The Commission may make observations within three months of the date of submission of the Interreg programme by the Member State hosting the prospective managing authority.
3. The participating Member States and, where applicable, third or partner countries or OCTs shall review the Interreg programme taking into account the observations made by the Commission.
4. The Commission shall adopt a decision by means of an implementing act approving each Interreg programme not later than five months after the date of the first submission of that programme by the Member State hosting the prospective managing authority.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

⁺⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6168/21 [2018/0197 (COD)].

5. With regard to external cross-border Interreg programmes, the Commission shall adopt its decisions in accordance with paragraph 4 of this Article after consultation of the 'IPA III Committee' in accordance with the relevant provision of the IPA III Regulation and of the 'Neighbourhood, Development and International Cooperation instrument committee' in accordance with Article 45 of Regulation (EU) 2021/...⁺.

Article 19

Amendment of Interreg programmes

1. Following the consultation of and the approval by the monitoring committee and in compliance with Article 8 of Regulation (EU) 2021/...⁺⁺, the managing authority may submit a reasoned request for an amendment of an Interreg programme together with the amended programme, setting out the expected impact of that amendment on the achievement of the objectives.
2. The Commission shall assess the compliance of the requested amendment with Regulations (EU) 2021/...⁺⁺ and (EU) 2021/...⁺⁺⁺ and this Regulation and may make observations within two months of the submission of the amended programme.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6879/21 [2018/0243(COD)].

⁺⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

⁺⁺⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6168/21 [2018/0197(COD)].

3. The participating Member States and, where applicable, third countries, partner countries or OCTs shall review the amended programme and take into account the observations made by the Commission.
4. The Commission shall adopt a decision by means of an implementing act approving the amendment of an Interreg programme not later than four months after its submission by the managing authority.
5. Following the consultation of and the approval by the monitoring committee and in compliance with Article 8 of Regulation (EU) 2021/...⁺, the managing authority may transfer during the programming period an amount of up to 10 % of the initial allocation of a priority and no more than 5 % of the programme budget to another priority of the same Interreg programme.

Such transfers shall not affect previous years.

The transfer and related changes shall not be considered substantial and shall not require a decision of the Commission amending the Interreg programme. They shall, however, comply with all regulatory requirements. The managing authority shall submit to the Commission the revised table referred to in point (f)(ii) of Article 17(3) together with any related changes in the programme.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

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 Interreg programme. The managing authority shall inform the Commission of such corrections.

SECTION II

TERRITORIAL DEVELOPMENT

Article 20

Integrated territorial development

For Interreg programmes, the relevant territorial authorities or bodies responsible for drawing up territorial or local development strategies as listed in Article 28 of Regulation (EU) 2021/...⁺ or involved in the selection of operations to be supported under those strategies as referred to in Article 29(5) of that Regulation, or for both, shall represent at least two participating countries, of which at least one is a Member State.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

Where a cross-border legal body or an EGTC implements an integrated territorial investment pursuant to Article 30 of Regulation (EU) 2021/...⁺ or another territorial tool pursuant to point (c) of the first subparagraph of Article 28 of that Regulation, it may also be the sole beneficiary pursuant to Article 23(6) of this Regulation, provided that there is a separation of functions inside the cross-border legal body or the EGTC.

Article 21

Community-led local development

Community-led local development (CLLD) provided for in point (b) of the first subparagraph of Article 28 of Regulation (EU) 2021/...⁺ may be implemented in Interreg programmes, provided that the relevant local action groups are composed of representatives of public and private local socio-economic interests, in which no single interest group controls the decision-making, and of at least two participating countries, of which at least one is a Member State.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

SECTION III

OPERATIONS AND SMALL PROJECT FUNDS

Article 22

Selection of Interreg operations

1. Interreg operations shall be selected in accordance with the programme's strategy and objectives by a monitoring committee set up in accordance with Article 28.

That monitoring committee may set up one or, in particular in the case of sub-programmes, more steering committees which act under its responsibility for the selection of operations. Steering committees shall apply the partnership principle as set out in Article 8 of Regulation (EU) 2021/...⁺.

When all or part of an operation is implemented outside the programme area inside or outside the Union, the selection of that operation shall require the explicit approval by the managing authority in the monitoring committee or, where applicable, the steering committee.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

When the operation involves one or several partners located in the territory of a Member State, third country, partner country or OCT which is not represented in the monitoring committee, the managing authority shall condition its explicit approval to the submission of a written acceptance by the concerned Member State, third country, partner country or OCT to reimburse any amounts unduly paid to these partners, in accordance with Article 52(2).

When the written acceptance referred to in the fourth subparagraph of this paragraph cannot be obtained, the body implementing all or part of an operation outside the programme area shall obtain a guarantee from a bank or another financial institution for the corresponding amount of the Interreg funds granted. Such a guarantee shall be included in the document provided for in paragraph 6.

2. For the selection of operations, the monitoring committee or, where applicable, the steering committee shall establish and apply criteria and procedures which are non-discriminatory and 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 Article 11 of this Regulation, and Article 191(1) TFEU.

The criteria and procedures shall ensure the prioritisation of operations to be selected with a view to maximising the contribution of Union funding to the achievement of the objectives of the Interreg programme and to implementing the cooperation dimension of operations under Interreg programmes, as set out in Article 23(1) and (4).

3. At the request of the Commission the managing authority shall notify the selection criteria to the Commission prior to their initial submission to the monitoring committee or, where applicable, the steering committee. The same shall apply for any subsequent changes to those criteria.
4. In selecting operations, the monitoring committee or, where applicable, the steering committee shall:
 - (a) ensure that selected operations comply with the Interreg programme and provide an effective contribution to the achievement of its specific objectives;
 - (b) ensure that selected operations do not conflict with the corresponding strategies established pursuant to Article 10(1) or established for one or more of the external financing instruments of the Union;
 - (c) ensure that selected operations present the best relationship between the amount of support, the activities undertaken and the achievement of objectives;

- (d) verify that the beneficiary has the necessary financial resources and mechanisms to cover operation and maintenance costs for operations comprising investment in infrastructure or productive investment, so as to ensure their financial sustainability;
- (e) ensure that selected operations which fall under the scope of Directive 2011/92/EU of the European Parliament and of the Council¹ are subject to an environmental impact assessment or a screening procedure and that the assessment of alternative solutions has been taken in due account, on the basis of the requirements of that Directive;
- (f) verify that where the operations have started before the submission of an application for funding to the managing authority, the applicable law has been complied with;
- (g) ensure that selected operations fall within the scope of the Interreg fund concerned and are attributed to a type of intervention;
- (h) ensure that operations do not include activities which were part of an operation subject to relocation within the meaning of point (27) of Article 2 of Regulation (EU) 2021/...⁺ or which would constitute a transfer of a productive activity within the meaning of point (a) of Article 65(1) of that Regulation;

¹ 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).

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

- (i) ensure that selected operations are not directly affected by a reasoned opinion by the Commission in respect of an infringement within the scope of Article 258 TFEU that puts at risk the legality and regularity of expenditure or the performance of operations; and
 - (j) ensure that, for investments in infrastructure with an expected lifespan of at least five years, an assessment of expected impacts of climate change is carried out.
5. The monitoring committee or, where applicable, the steering committee shall approve the methodology and criteria used for the selection of Interreg operations, including any changes thereto, without prejudice to point (b) of Article 33(3) of Regulation (EU) 2021/...⁺ with regard to CLLD and to Article 24 of this Regulation.
6. For each Interreg operation, the managing authority shall provide a document to the lead or sole partner setting out the conditions for support of that Interreg operation, including the specific requirements concerning the products or services to be delivered, its financing plan, the time-limit for its execution and, where applicable, the method to be applied for determining the costs of the operation and the conditions for payment of the support.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

That document shall also set out the lead partner's obligations with regard to recoveries pursuant to Article 52. Those obligations shall be defined by the monitoring committee.

Article 23

Partnership within Interreg operations

1. Operations selected under Interreg A, B and D programmes shall involve partners from at least two participating countries or OCTs, at least one of which shall be a beneficiary from a Member State.

Operations selected under the Interreg Europe and URBACT programmes shall involve partners from at least three participating countries, at least two of which shall be beneficiaries from Member States.

Beneficiaries receiving support from Interreg funds and partners participating in the operation but not receiving any financial support under those funds (jointly referred to as 'partners') constitute an Interreg operation partnership.

2. An Interreg operation may be implemented in a single country or OCT, provided that the impact on and the benefits for the programme area are identified in the operation application.

3. Paragraph 1 shall not apply to operations under the PEACE PLUS cross-border programme where the programme is acting in support of peace and reconciliation.
4. Partners shall cooperate in the development and implementation of Interreg operations, as well as in the staffing or financing, or both, thereof.

For Interreg operations under Interreg D programmes, the partners from outermost regions and third countries, partner countries or OCTs shall be required to cooperate only in two of the four dimensions listed in the first subparagraph.

5. Where there are two or more partners, one of them shall be designated by all the partners as the lead partner.
6. A cross-border legal body or an EGTC may be the sole partner of an Interreg operation under Interreg A, B and D programmes, provided that the members thereof involve partners from at least two participating countries.

The cross-border legal body or EGTC shall have members from at least three participating countries under the Interreg Europe and URBACT programmes.

A legal body that implements a financial instrument, a fund of holding funds or a small project fund, as applicable, may be the sole partner of an Interreg operation without the application of the requirements for its composition set out in the first subparagraph.

7. A sole partner shall be registered in a Member State participating in the Interreg programme.

Article 24

Support to projects of limited financial volume

1. Interreg A, B and D programmes shall support projects of limited financial volume, either:
 - (a) directly within each programme; or
 - (b) within one or more small project funds.
2. Where an Interreg B or D programme is unable to fulfil the obligation laid down in paragraph 1, the reasons why the obligation cannot be fulfilled shall be set out in the programme document in accordance with point 6 of the template set out in the Annex.

Article 25
Small project funds

1. The total contribution from the ERDF or, where applicable, an external financing instrument of the Union, to small project funds within an Interreg programme shall not exceed 20 % of the total allocation of the Interreg programme.

The final recipients within a small project fund shall receive support from the ERDF or, where applicable, the external financing instruments of the Union through the beneficiary and implement the small projects within that small project fund ('small project').

2. The small project fund constitutes an operation within the meaning of point 4 of Article 2 of Regulation (EU) 2021/...⁺ which shall be managed by a beneficiary, taking into account its tasks and remuneration.

The beneficiary shall be a cross-border legal body or an EGTC or a body which shall have legal personality.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

The beneficiary shall select the small projects which are implemented by the final recipients within the meaning of point (18) of Article 2 of Regulation (EU) 2021/...⁺. Where the beneficiary is not a cross-border legal body or an EGTC, a body involving representatives from at least two participating countries, of which at least one is a Member State, shall select the joint small projects.

3. The document setting out the conditions for support to a small project fund shall, in addition to the elements laid down in Article 22(6), set out the elements necessary to ensure that the beneficiary:
 - (a) establishes a non-discriminatory and transparent selection procedure;
 - (b) applies objective criteria for the selection of small projects, which avoid conflicts of interest;
 - (c) assesses applications for support;
 - (d) selects projects and fixes the amount of support for each small project;

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

- (e) is accountable for the implementation of the operation and keeps at its level all supporting documents required for the audit trail in accordance with Annex XIII to Regulation (EU) 2021/...⁺; and
- (f) makes available to the public the list of the final recipients which benefit from the operation.

The beneficiary shall ensure that the final recipients comply with the requirements set out in Article 36.

- 4. The selection of small projects shall not constitute a delegation of tasks from the managing authority to an intermediate body as referred to in Article 71(3) of Regulation (EU) 2021/...⁺.
- 5. Staff and other costs corresponding to the cost categories in Articles 39 to 43 generated at the level of the beneficiary for the management of the small project fund or funds shall not exceed 20 % of the total eligible cost of the small project fund or funds, respectively.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

6. Where the public contribution to a small project does not exceed EUR 100 000, the contribution from the ERDF or, where applicable, an external financing instrument of the Union shall take the form of unit costs or lump sums or flat rate financing, except for projects for which the support constitutes State aid.

Where the total costs of each project do not exceed EUR 100 000, the amount of support for one or more small projects may be set out on the basis of a draft budget which is established on a case-by-case basis and agreed ex ante by the beneficiary managing the small project fund.

Where flat-rate financing is used, the categories of costs to which the flat rate is applied may be reimbursed in accordance with point (a) of Article 53(1) of Regulation (EU) 2021/...⁺.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

Article 26
Tasks of the lead partner

1. The lead partner shall:
 - (a) lay down the arrangements with the other partners in an agreement comprising provisions that, inter alia, guarantee the sound financial management of the respective Union funds allocated to the Interreg operation, including the arrangements for recovering amounts unduly paid;
 - (b) assume responsibility for ensuring implementation of the entire Interreg operation;
and
 - (c) ensure that expenditure presented by all partners has been paid in implementing the Interreg operation and corresponds to the activities agreed between all the partners, and is in accordance with the document provided by the managing authority pursuant to Article 22(6).

2. If not otherwise specified in the arrangements laid down pursuant to point (a) of paragraph 1 the lead partner shall ensure that the other partners receive the total amount of the contribution from the respective Union fund in full and within a timeframe agreed by all partners and following the same procedure applied in respect of the lead partner. No amount shall be deducted or withheld and no specific charge or other charge with equivalent effect shall be levied that would reduce that amount for the other partners.

3. Any partner in a Member State, third country, partner country or OCT participating in an Interreg operation may be designated as the lead partner.

SECTION IV

TECHNICAL ASSISTANCE

Article 27

Technical assistance

1. The amount of the funds allocated to technical assistance shall be identified as part of the financial allocation of each priority of the programme in accordance with point (f) of Article 17(3) and shall not take the form of a separate priority or a specific programme.
2. Technical assistance to each Interreg programme shall be reimbursed as a flat rate by applying the percentages set out in paragraph 3 of this Article to the eligible expenditure included in each payment application pursuant to point (a) or (c) of Article 91(3) of Regulation (EU) 2021/...⁺ as appropriate.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

3. The percentage of the ERDF contribution and the external financing instruments of the Union to be reimbursed for technical assistance shall be as follows:
 - (a) for internal cross-border cooperation programmes supported by the ERDF: 7 %;
 - (b) for external cross-border cooperation programmes supported by IPA III CBC or NDICI-CBC, for strand B programmes where the support from the ERDF is 50 % or less and for strand D programmes, both for the ERDF contribution and for one or more of the external financing instruments of the Union: 10 %; and
 - (c) for strand B programmes where the support from the ERDF is more than 50 % and for strand C programmes, both for the ERDF contribution and, where applicable, for one or more of the external financing instruments of the Union: 8 %.
4. For Interreg programmes with a total ERDF allocation between EUR 30 000 000 and EUR 50 000 000 the amount resulting from the percentage for technical assistance shall be increased by an additional amount of EUR 500 000. The Commission shall add that amount to the first interim payment.
5. For Interreg programmes with a total ERDF allocation below EUR 30 000 000, the amount needed for technical assistance expressed in EUR and the resulting percentage shall be fixed in the Commission decision approving the Interreg programme concerned pursuant to Article 18.

Chapter IV

Monitoring, evaluation and communication

SECTION I

MONITORING

Article 28

Monitoring committee

1. The Member States and, where applicable, the third countries, partner countries and OCTs participating in that programme shall set up, in agreement with the managing authority, a committee to monitor implementation of the respective Interreg programme ('monitoring committee') within three months of the date of notification to the Member States of the Commission decision approving an Interreg programme pursuant to Article 18.

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

The rules of procedure of the monitoring committee and, where applicable, of the steering committee shall prevent any situation of conflict of interest when selecting Interreg operations and shall include provisions regarding voting rights and rules for attending the meetings.

3. The monitoring committee shall meet at least once a year and shall review all issues that affect the programme's progress towards achieving its objectives.
4. The managing authority shall publish the rules of procedures of the monitoring committee and a summary of both data and information, including decisions, approved by the monitoring committee on the website referred to in Article 36(2).

Article 29

Composition of the monitoring committee

1. The composition of the monitoring committee of each Interreg programme shall be agreed by the Member States and, where applicable, by the third countries, partner countries and OCTs participating in that programme, and shall ensure a balanced representation of:
 - (a) the relevant authorities, including intermediate bodies;
 - (b) bodies jointly set up in the whole programme area or covering a part thereof, including EGTCs; and
 - (c) representatives of the programme partners referred to in Article 8 of Regulation (EU) 2021/...⁺ from Member States, third countries, partner countries and OCTs.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

The composition of the monitoring committee shall take into account the number of participating Member States, third countries, partner countries and OCTs in the Interreg programme concerned.

2. The managing authority shall publish a list of the members of the monitoring committee on the website referred to in Article 36(2).
3. Representatives of the Commission shall participate in the work of the monitoring committee in an advisory capacity.

Article 30

Functions of the monitoring committee

1. The monitoring committee shall examine:
 - (a) the progress in programme implementation and in achieving the milestones and targets of the Interreg programme;
 - (b) any issues that affect the performance of the Interreg programme and the measures taken to address these issues;

- (c) with regard to financial instruments, the elements of the *ex ante* assessment listed in Article 58(3) of Regulation (EU) 2021/...⁺ and the strategy document referred to in Article 59(1) of that Regulation;
- (d) the progress made in carrying out evaluations, syntheses of evaluations and any follow-up given to findings;
- (e) the implementation of communication and visibility actions;
- (f) the progress in implementing Interreg operations of strategic importance and, where applicable, of large infrastructure projects; and
- (g) the progress in administrative capacity building for public institutions and beneficiaries, where relevant.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

2. In addition to its tasks concerning the selection of operations listed in Article 22, the monitoring committee shall approve:
 - (a) the methodology and criteria used for the selection of operations, including any changes thereto, after notifying the Commission, where requested, pursuant to Article 22(2) of this Regulation, without prejudice to points (b), (c) and (d) of Article 33(3) of Regulation (EU) 2021/...⁺;
 - (b) the evaluation plan and any amendment thereto;
 - (c) any proposal by the managing authority for the amendment of the Interreg programme including for a transfer in accordance with Article 19(5); and
 - (d) the final performance report.

Article 31

Review

1. A review may be organised by the Commission to examine the performance of Interreg programmes.

The review may be carried out in writing.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

2. At the request of the Commission, the managing authority shall, within one month, provide the Commission with concise information on the elements listed in Article 30(1). That information shall be based on the most recent data available to the Member States and, where applicable, third countries, partner countries and OCTs.
3. The outcome of the review shall be recorded in agreed minutes.
4. The managing authority shall follow-up issues raised by the Commission and inform the Commission, within three months of the date of the review, of the measures taken.

Article 32

Transmission of data

1. Each managing authority shall electronically transmit to the Commission cumulative data for the respective Interreg programme by 31 January, 30 April, 31 July and 31 October of each year in accordance with the template set out in Annex VII to Regulation (EU) 2021/...⁺, with the exception of the information required in point (b) of paragraph 2 and in paragraph 3 of this Article that shall be transmitted by 31 January and 31 July of each year.

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

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

2. The data referred to in paragraph 1 shall be broken down for each priority by specific objective and shall refer to:
- (a) the number of selected Interreg operations, their total eligible cost, the contribution from the respective Interreg fund and the total eligible expenditure declared by the lead partners to the managing authority, all broken down by type of intervention;
 - (b) the values of output and result indicators for selected Interreg operations and values achieved by finalised Interreg operations.
3. For financial instruments, data shall also be provided on the following:
- (a) eligible expenditure by type of financial product;
 - (b) the amount of management costs and fees declared as eligible expenditure;
 - (c) the amount, by type of financial product, of private and public resources mobilised in addition to the funds;
 - (d) interest and other gains generated by support from the Interreg funds to financial instruments as referred to in Article 60 of Regulation (EU) 2021/...⁺ and resources returned attributable to support from the Interreg funds as referred to in Article 62 of that Regulation:

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

- (e) the total value of loans, equity or quasi-equity investments in final recipients which were guaranteed with programme resources and which were actually disbursed to final recipients.
4. The data submitted in accordance with this Article shall be reliable and reflect the data available in the electronic system referred to in point (e) of Article 72(1) of Regulation (EU) 2021/...⁺ as of the end of the month preceding the month of submission.
5. The managing authority shall publish or provide a link to all the data transmitted to the Commission on the website referred to in Article 36(2).

Article 33

Final performance report

1. Each managing authority shall submit to the Commission a final performance report on the respective Interreg programme by 15 February 2031.

The final performance report shall be submitted using the template established in accordance with Article 43(5) of Regulation (EU) 2021/...⁺.

2. The final performance report shall assess the achievement of programme objectives based on the elements listed in Article 30 with the exception of point (c) of paragraph 1, and point (d) of paragraph 2, thereof.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

3. The Commission shall examine the final performance report and inform the managing authority of any observations within five months of the date of receipt of that report. Where such observations are made, the managing authority shall provide all necessary information with regard to those observations and, where appropriate, inform the Commission, within three months of receipt of the observations, of measures taken. The Commission shall inform the managing authority of the acceptance of the report within two months of receiving all necessary information from the managing authority. Where the Commission does not inform the managing authority within those deadlines, the report shall be deemed to be accepted.
4. The managing authority shall publish the final performance report on the website referred to in Article 36(2).

Article 34

Indicators for Interreg programmes

1. Common output and common result indicators, as set out in Annex I to Regulation (EU) 2021/...⁺, and, where necessary, programme-specific output and result indicators shall be used in accordance with Article 16(1) of Regulation (EU) 2021/...⁺⁺, and point (e)(ii) of Article 17(3) and point (b) of Article 32(2) of this Regulation.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6168/21 [2018/0197(COD)].

⁺⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

2. Where relevant, programme-specific output and result indicators shall be used in addition to the indicators which were selected in accordance with paragraph 1.

All common output and common result indicators listed in Table 2 of the Annex I to Regulation (EU) 2021/...⁺ may also be used by specific objectives under any of the policy objectives 1 to 5 or, where relevant, under the Interreg-specific objectives set out in Article 14(4) and (5) of this Regulation.

3. For output indicators, baselines shall be set at zero. The milestones set for 2024 and targets set for 2029 shall be cumulative.

SECTION II

EVALUATION AND COMMUNICATION

Article 35

Evaluation during the programming period

1. The Member State or the managing authority shall carry out evaluations of the programmes related to one or more of the following criteria: effectiveness, efficiency, relevance, coherence and Union added value, with the aim to improve the quality of the design and implementation of programmes. Evaluations may also cover other relevant criteria, such as inclusiveness, non-discrimination and visibility, and may cover more than one programme.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6168/21 [2018/0197(COD)].

2. In addition to the evaluations referred to in paragraph 1, an evaluation for each programme to assess its impact shall be carried out by 30 June 2029.
3. Evaluations shall be entrusted to internal or external experts who are functionally independent.
4. The managing authority shall ensure the necessary procedures to produce and collect the data necessary for evaluations.
5. The managing authority shall draw up an evaluation plan that may cover more than one Interreg programme.
6. The managing authority shall submit the evaluation plan to the monitoring committee not later than one year after the approval of the Interreg programme.
7. The managing authority shall publish all evaluations on the website referred to in Article 36(2).

Article 36

Responsibilities of managing authorities and partners with regard to transparency and communication

1. Each managing authority shall identify a communication officer for each Interreg programme. A communication officer may be responsible for more than one programme.

2. The managing authority shall ensure that, within six months of the Interreg programme's approval pursuant to Article 18, there is a website where information on each Interreg programme under its responsibility is available, covering the programme's objectives, activities, available funding opportunities and achievements.
3. Article 49(2) to (6) of Regulation (EU) 2021/...⁺ on the responsibilities of the managing authority shall apply.
4. Each partner of an Interreg operation or each body implementing a financing instrument shall acknowledge support from an Interreg fund, including resources reused for financial instruments in accordance with Article 62 of Regulation (EU) 2021/...⁺, to the Interreg operation by:
 - (a) providing on the partner's official website or social media sites, where such sites exist, a short description of the Interreg operation, proportionate to the level of support provided by an Interreg fund, including its aims and results, and highlighting the financial support from the Interreg fund;
 - (b) providing a statement highlighting the support from an Interreg fund in a visible manner on documents and communication material relating to the implementation of the Interreg operation, intended for the general public or for participants;

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

- (c) displaying durable plaques or billboards clearly visible to the public, presenting the emblem of the Union in accordance with the technical characteristics laid down in Annex VIII of Regulation (EU) 2021/...⁺, as soon as the physical implementation of an Interreg operation involving physical investment or the purchase of equipment starts or purchased equipment is installed, with regard to operations supported by an Interreg fund, the total cost of which exceeds EUR 100 000;
- (d) for Interreg operations not falling under point (c), publicly displaying at least one poster of a minimum size A3 or equivalent electronic display with information about the Interreg operation highlighting the support from an Interreg fund, except where the beneficiary is a natural person;
- (e) for operations of strategic importance and operations whose total cost exceed EUR 5 000 000 organising a communication event and involving the Commission and the responsible managing authority in a timely manner.

The term 'Interreg' shall be used next to the emblem of the Union in accordance with Article 47 of Regulation (EU) 2021/...⁺.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

5. For small project funds and financial instruments, the beneficiary shall ensure by means of the contractual terms that final recipients comply with the requirements to communicate publicly on the Interreg operation.

For financial instruments, the final recipient shall acknowledge the origin and ensure the visibility of the Union funding, in particular when promoting the actions and their results, by providing coherent, effective and targeted information to multiple audiences, including the media and the public.

6. Where remedial actions have not been put into place, the managing authority shall apply measures, taking into account the principle of proportionality, by cancelling up to 2 % of the support from the funds to:
- (a) the beneficiary concerned who does not comply with its obligations falling under Article 47 of Regulation (EU) 2021/...⁺ or paragraphs 4 and 5 of this Article; or
 - (b) the final recipient concerned who does not comply with the requirements set out in paragraph 5.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

Chapter V

Eligibility

Article 37

Rules on eligibility of expenditure

1. All or part of an Interreg operation may be implemented outside of a Member State, including outside the Union, provided that the Interreg operation contributes to the objectives of the respective Interreg programme.
2. Without prejudice to the eligibility rules laid down in Articles 53 to 68 of Regulation (EU) 2021/...⁺, in Articles 5 and 7 of EU) 2021/...⁺⁺ or in this Chapter, including in acts adopted thereunder, the participating Member States and, where applicable, third countries, partner countries and OCTs shall, by a joint decision in the monitoring committee, only establish additional rules on eligibility of expenditure for the Interreg programme on categories of expenditure not covered by those provisions. Those additional rules shall cover the Interreg programme as a whole.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

⁺⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6168/21 [2018/0197(COD)].

However, where an Interreg programme selects operations based on calls for proposals, those additional rules shall be adopted before the calls for proposals are published. In all other cases, those additional rules shall be adopted before operations are selected.

3. For matters not covered by the eligibility rules laid down in Articles 53 to 68 of Regulation (EU) 2021/...⁺, in Articles 5 and 7 of Regulation (EU) 2021/...⁺⁺ and in this Chapter, including in acts adopted thereunder or in rules established in accordance with paragraph 2 of this Article, the national rules of the Member State and, where applicable, of the third countries, partner countries and OCTs in which the expenditure is incurred shall apply.
4. In the event of a difference of opinion between the managing authority and the audit authority with regard to the eligibility as such of an Interreg operation selected under an Interreg programme, the opinion of the managing authority shall prevail, taking due account of the opinion of the monitoring committee.
5. OCTs shall not be eligible for support from the ERDF under Interreg programmes, but may participate in those programmes under the conditions set out in this Regulation.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

⁺⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6168/21 [2018/0197(COD)].

Article 38

General provisions on eligibility of cost categories

1. The participating Member States and, where applicable, third countries, partner countries and OCTs, may agree in the monitoring committee of an Interreg programme that expenditure falling under one or more of the categories referred to in Articles 39 to 44 shall not be eligible under one or more priorities of an Interreg programme.
2. Any expenditure eligible in accordance with this Regulation shall relate to the costs of initiating or initiating and implementing an operation or part of an operation.
3. The following costs are not eligible:
 - (a) fines, financial penalties and expenditure on legal disputes and litigation;
 - (b) costs of gifts; or
 - (c) costs related to fluctuation of foreign exchange rate.

4. Where the flat rate provided for in Article 56(1) of Regulation (EU) 2021/...⁺ is used to calculate eligible costs other than direct staff costs of an operation, it shall not be applied to direct staff costs calculated on the basis of a flat rate as referred to in point (c) of Article 39(3) of this Regulation.
5. By way of derogation from point (c) of Article 76(1) of Regulation (EU) 2021/...⁺, expenditure paid in another currency shall be converted into euro by each beneficiary coming from countries which have not adopted the euro as their currency using the monthly accounting exchange rate of the Commission in the month during which that expenditure was submitted for verification.

Article 39

Staff costs

1. Staff costs shall consist of gross employment costs of staff employed by the Interreg partner in one of the following ways:
 - (a) full time;
 - (b) part-time with a fixed percentage of time worked per month;

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

- (c) part-time with a flexible number of hours worked per month; or
- (d) on an hourly basis.

2. Staff costs shall be limited to the following:

- (a) salary payments related to the activities which the entity would not carry out if the operation concerned was not undertaken, provided for in an employment document, either in the form of an employment or work contract or an appointment decision, or by law, and relating to responsibilities specified in the job description of the staff member concerned;
- (b) any other costs directly linked to salary payments incurred and paid by the employer, such as employment taxes and social security including pensions as covered by Regulation (EC) No 883/2004 of the European Parliament and of the Council¹, on condition that they are:
 - (i) provided for in an employment document or by law;

¹ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p.1).

- (ii) in accordance with the legislation referred to in the employment document and with standard practices in the country or the organisation where the individual staff member is actually working, or both; and
- (iii) not recoverable by the employer.

With regard to point (a) of the first subparagraph, payments to natural persons working for the Interreg partner under a contract other than an employment or work contract may be assimilated to salary payments and such a contract shall be considered to be an employment document.

3. Staff costs may be reimbursed either:

- (a) in accordance with point (a) of the first subparagraph of Article 53(1) of Regulation (EU) 2021/...⁺, proven by the employment document and payslips;
- (b) under simplified cost options as set out in points (b) to (f) of the first subparagraph of Article 53(1) of Regulation (EU) 2021/...⁺;
- (c) as a flat rate of up to 20 % of the direct costs other than the direct staff costs of that operation, without there being a requirement for the Member State to perform a calculation to determine the applicable rate; or

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

- (d) as an hourly rate in accordance with Article 55(2) to (4) of Regulation (EU) 2021/...⁺ either for direct staff costs of individuals who work on full-time assignment on the operation or for individuals who work on part-time assignment on the operation pursuant to point (b) of paragraph 4 of this Article.
4. Staff costs related to individuals who work on part-time assignment on the operation, may be calculated as either:
- (a) a fixed percentage of the gross employment cost in accordance with Article 55(5) of Regulation (EU) 2021/...⁺; or
- (b) a flexible share of the gross employment cost, in line with a number of hours varying from one month to the other worked on the operation, based on a time registration system covering 100 % of the working time of the employee.
5. For staff employed pursuant to point (d) of paragraph 1, the hourly rate shall be multiplied by the number of hours actually worked on the operation based on a time registration system.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

Article 40
Office and administrative costs

1. Office and administrative costs shall be limited to the following elements:
 - (a) office rent;
 - (b) insurance and taxes related to the buildings where the staff is located and to the equipment of the office (such as fire or theft insurance);
 - (c) utilities (such as electricity, heating, water);
 - (d) office supplies;
 - (e) accounting;
 - (f) archives;
 - (g) maintenance, cleaning and repairs;
 - (h) security;
 - (i) IT systems;
 - (j) communication (such as telephone, fax, internet, postal services, business cards);

- (k) bank charges for opening and administering the account or accounts where the implementation of an operation requires a separate account to be opened; and
 - (l) charges for transnational financial transactions.
2. Office and administrative costs may be calculated as a fixed percentage of the gross employment cost in accordance with point (b) of the first subparagraph of Article 54 of Regulation (EU) 2021/...⁺.

Article 41

Travel and accommodation costs

1. Travel and accommodation costs, regardless whether such costs are incurred and paid inside or outside the programme area, shall be limited to the following cost elements:
- (a) travel costs (such as tickets, travel and car insurance, fuel, car mileage, toll, and parking fees);
 - (b) the cost of meals;
 - (c) accommodation costs;

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

(d) visa costs; and

(e) daily allowances.

2. Any cost element listed in points (a) to (d) of paragraph 1 covered by a daily allowance shall not be reimbursed in addition to the daily allowance.
3. Travel and accommodation costs of external experts and service providers fall under external expertise and services costs listed in Article 42.
4. Direct payment of expenditure for cost elements listed in points (a) to (d) of paragraph 1 by an employee of the beneficiary shall be supported by a proof of reimbursement by the beneficiary to that employee.
5. Travel and accommodation costs of an operation may be calculated at a flat rate of up to 15 % of the direct staff costs of that operation, without there being a requirement for the Member State to perform a calculation to determine the applicable rate.

Article 42

External expertise and services costs

External expertise and service costs shall be limited to the following services and expertise provided by a public or private body or a natural person, other than the beneficiary, and all partners of the operation:

- (a) studies or surveys (such as evaluations, strategies, concept notes, design plans, handbooks);
- (b) training;
- (c) translations;
- (d) development, modifications and updates to IT systems and website;
- (e) promotion, communication, publicity, promotional items and activities or information linked to an operation or to a programme as such;
- (f) financial management;
- (g) services related to the organisation and implementation of events or meetings (including rent, catering or interpretation);
- (h) participation in events (such as registration fees);

- (i) legal consultancy and notarial services, technical and financial expertise, other consultancy and accountancy services;
- (j) intellectual property rights;
- (k) verifications pursuant to point (a) of Article 74(1) of Regulation (EU) 2021/...⁺ and Article 46(1) of this Regulation;
- (l) costs for the accounting function on programme level pursuant to Article 76 of Regulation (EU) 2021/...⁺ and Article 47 of this Regulation;
- (m) audit costs on programme level pursuant to Articles 78 and 81 of Regulation (EU) 2021/...⁺ and pursuant to Articles 48 and 49 of this Regulation;
- (n) the provision of guarantees by a bank or other financial institution where required by Union or national law or in a programming document adopted by the monitoring committee;
- (o) travel and accommodation for external experts, speakers, chairpersons of meetings and service providers; and
- (p) other specific expertise and services needed for operations.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

Article 43
Equipment costs

1. Costs for equipment purchased, rented or leased by the beneficiary of the operation other than those covered by Article 40 shall be limited to the following:
 - (a) office equipment;
 - (b) IT hardware and software;
 - (c) furniture and fittings;
 - (d) laboratory equipment;
 - (e) machines and instruments,
 - (f) tools or devices;
 - (g) vehicles; and
 - (h) other specific equipment needed for operations.

2. Costs for the purchase of second-hand equipment may be eligible subject to the following conditions:
- (a) no other assistance has been received for it from the Interreg funds or from the funds listed in point (a) of Article 1(1) of Regulation (EU) 2021/...⁺;
 - (b) its price does not exceed the generally accepted price on the market in question; and
 - (c) it has the technical characteristics necessary for the operation and complies with applicable norms and standards.

Article 44

Costs for infrastructure and works

Costs for infrastructure and works shall be limited to the following:

- (a) purchase of land in accordance with point (b) of Article 64(1) of Regulation (EU) 2021/...⁺;
- (b) building permits;
- (c) building material;
- (d) labour; and
- (e) specialised interventions (such as soil remediation, mine-clearing).

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

Chapter VI

Interreg programme authorities, management, control and audit

Article 45

Interreg programme authorities

1. Member States and, where applicable, third countries, partner countries and OCTs participating in an Interreg programme shall identify, for the purposes of Article 71 of Regulation (EU) 2021/...⁺, a single managing authority and a single audit authority.
2. The managing authority and the audit authority shall be located in the same Member State.
3. As regards the PEACE PLUS cross-border programme, the Special EU Programmes Body, where it is identified as the managing authority, shall be considered to be located in a Member State.
4. Member States and, where applicable, third countries, partner countries and OCTs participating in an Interreg programme may identify an EGTC as managing authority of that programme.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

5. Where the managing authority identifies one or more intermediate bodies under an Interreg programme in accordance with Article 71(3) of Regulation (EU) 2021/...⁺, the intermediate body shall carry out those tasks in more than one participating Member State or, where applicable, in a third country, partner country or OCT. Without prejudice to Article 22 of this Regulation, one or more intermediate bodies may carry out those tasks in only one participating Member State or, where applicable, in a third country, partner country or OCT where such an approach is based on existing structures.

Article 46

Functions of the managing authority

1. The managing authority of an Interreg programme shall carry out the functions laid down in Articles 72, 74 and 75 of Regulation (EU) 2021/...⁺ with the exception of the task of selecting operations referred to in point (a) of Article 72(1) and Article 73 of that Regulation and, where the accounting function is carried out by a different body pursuant to Article 47 of this Regulation, of payments to beneficiaries referred to in point (b) of Article 74(1) of Regulation (EU) 2021/...⁺. Those functions shall be carried out in the whole territory covered by that programme, subject to derogations set out pursuant to Chapter VIII of this Regulation.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

2. The managing authority, after consultation with the Member States and, where applicable, any third countries, partner countries or OCTs participating in the Interreg programme, shall set up a joint secretariat, with staff taking into account the programme partnership.

The joint secretariat shall assist the managing authority and the monitoring committee in carrying out their respective functions. The joint secretariat shall also provide information to potential beneficiaries about funding opportunities under Interreg programmes and shall assist beneficiaries and partners in the implementation of operations.

For Interreg programmes also supported by external financing instruments from the Union, one or more branch offices of the joint secretariat may be set up in one or more partner countries or OCTs in order to carry out its tasks closer to potential beneficiaries and partners from the partner country or OCT, respectively.

3. By way of derogation to point (a) of Article 74(1) of Regulation (EU) 2021/...⁺ and without prejudice to Article 45(5) of this Regulation, the Member States, and where applicable, the third country, partner country or OCT, participating in the Interreg programme, may decide that management verifications referred to in point (a) of Article 74(1) of Regulation (EU) 2021/...⁺ are to be done through the identification by each Member State of a body or person responsible for this verification on its territory (the 'controller').

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

4. The controllers may be the same bodies responsible for carrying out such verifications for the programmes under the Investment for jobs and growth goal or, in the case of third countries, partner countries or OCTs for carrying out comparable verifications under external financing instruments of the Union. Any controller shall be functionally independent from the audit authority or any member of the group of auditors.
5. Where it has been decided that management verifications are carried out by identified controllers pursuant to paragraph 4, the managing authority shall satisfy itself that the expenditure of beneficiaries participating in an operation has been verified by an identified controller.
6. Each Member State, third country, partner country or OCT shall ensure that the expenditure of a beneficiary can be verified within a period of three months of the submission of the documents by the beneficiary concerned.
7. Each Member State, third country, partner country or OCT shall be responsible for verifications carried out on its territory.
8. Each Member State, third country, partner country and OCT shall identify as controller either a national or regional authority or a private body or a natural person as set out in paragraph 10.

9. Where the controller carrying out management verifications is a private body or a natural person, those controllers shall meet at least one of the following requirements:
- (a) be a member of a national accounting or auditing body or institution which in turn is a member of International Federation of Accountants ('IFAC');
 - (b) be a member of a national accounting or auditing body or institution without being a member of IFAC, but committing to carry out the management verifications in accordance with IFAC standards and ethics;
 - (c) be registered as a statutory auditor in the public register of a public oversight body in a Member State in accordance with the principles of public oversight set out in Directive 2006/43/EC of the European Parliament and of the Council¹; or
 - (d) be registered as a statutory auditor in the public register of a public oversight body in a third country, partner country or OCT, provided this register is subject to principles of public oversight as set out in the legislation of the country concerned.

¹ Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC (OJ L 157, 9.6.2006, p. 87).

Article 47

The accounting function

1. Member States and, where applicable, third countries, partner countries and OCTs participating in an Interreg programme shall agree on the arrangements for carrying out the accounting function.
2. The accounting function shall consist of the tasks listed in points (a) and (b) of Article 76(1) of Regulation (EU) 2021/...⁺ and shall also cover the payments made by the Commission and, as a general rule, the payments made to the lead partner in accordance with point (b) of Article 74(1) of that Regulation.

Article 48

Functions of the audit authority

1. The audit authority of an Interreg programme shall carry out the functions provided for in this Article and in Article 49 in the whole of the territory covered by that Interreg programme.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

Where the audit authority does not have the authorisation in the whole territory covered by a cooperation programme, it shall be assisted by a group of auditors composed of a representative from each Member State and, where applicable, third country, partner country or OCT, participating in the Interreg programme. Each Member State and, where applicable, each third country, partner country or OCT shall be responsible for audits carried out on its territory.

Each representative from each Member State and, where applicable, each third country, partner country or OCT, participating in the Interreg programme shall be responsible for providing the factual elements relating to expenditure on its territory that are required by the audit authority in order to perform its assessment.

The group of auditors shall be set up within three months of the decision approving the Interreg programme pursuant to Article 18. It shall draw up its rules of procedure and be chaired by the audit authority for the Interreg programme.

The auditors shall be functionally independent from bodies or persons responsible for management verifications pursuant to Article 46(3).

2. The audit authority of an Interreg programme shall be responsible for carrying out system audits and audits on operations in order to provide independent assurance to the Commission that management and control systems function effectively and that expenditure included in the accounts submitted to the Commission is legal and regular.

3. Where an Interreg programme is included in the population from which the Commission selects a common sample pursuant to Article 49(1), the audit authority shall carry out audits of operations selected by the Commission in order to provide independent assurance to the Commission that management and control systems function effectively.
4. Audit work shall be carried out in accordance with internationally accepted audit standards.
5. The audit authority shall draw up and submit to the Commission, each year by 15 February following the end of the accounting year, an annual audit opinion in accordance with Article 63(7) of the Financial Regulation using the template set out in Annex XVI to Regulation (EU) 2021/...⁺ and based on all audit work carried out, covering each of the following components:
 - (a) the completeness, veracity and accuracy of the accounts;
 - (b) the legality and regularity of the expenditure included in the accounts submitted to the Commission; and
 - (c) the management and control system of the Interreg programme.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

Where the Interreg programme is included in the population from which the Commission selects a common sample pursuant to Article 49(1), the annual audit opinion shall only cover the elements referred to in points (a) and (c) of the first subparagraph of this paragraph.

The deadline of 15 February may exceptionally be extended by the Commission to 1 March, upon communication by the audit authority.

6. The audit authority shall draw up and submit to the Commission, each year by 15 February following the end of the accounting year, an annual control report in accordance with point (b) of Article 63(5) of the Financial Regulation using the template set out in Annex XVII of Regulation (EU) 2021/...⁺ and, supporting the audit opinion provided for in paragraph 5 of this Article and setting out a summary of the findings, including an analysis of the nature and extent of any errors and deficiencies in the systems as well as the proposed and implemented corrective actions and the resulting total error rate and residual error rate for the expenditure entered in the accounts submitted to the Commission.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

7. Where the Interreg programme is included in the population from which the Commission selects a common sample pursuant to Article 49(1), the audit authority shall draw up, using the template set out in Annex XVII to Regulation (EU) 2021/...⁺, the annual control report referred to in paragraph 6 of this Article that fulfils the requirements of point (b) of Article 63(5) of the Financial Regulation and supports the audit opinion provided for in paragraph 5 of this Article.

That report shall set out a summary of the findings, including an analysis of the nature and extent of any errors and deficiencies in the systems as well as the proposed and implemented corrective actions, the results of the audits of operations carried out by the audit authority in relation to the common sample referred to in Article 49(1) and the financial corrections applied by the Interreg programme authorities in respect of any individual irregularities detected by the audit authority for these operations.

8. The audit authority shall transmit system audit reports to the Commission as soon as the required contradictory procedure with the relevant auditees is concluded.
9. The Commission and the audit authority shall meet on a regular basis and at least once a year, unless otherwise agreed, to examine the audit strategy, the annual control report and the audit opinion, to coordinate their audit plans and methods and to exchange views on issues relating to the improvement of management and control systems.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

Article 49
Audit of operations

1. The Commission shall select a common sample of operations, or other sampling units, using a statistical sampling method for the audits of operations to be carried out by the audit authorities for the Interreg programmes receiving support from the ERDF or an external financing instrument of the Union in respect of each accounting year.

The common sample shall be representative of all the Interreg programmes constituting the population.

For the purposes of selecting the common sample, the Commission may stratify groups of Interreg programmes according to their specific risks.

2. The programme authorities shall provide the information necessary for the selection of a common sample to the Commission by 1 August following the end of each accounting year.

That information shall be submitted in a standardised electronic format, shall be complete and shall reconcile with the expenditure declared to the Commission for the reference accounting year.

3. Without prejudice to the requirement to carry out an audit as referred to in Article 48(2), the audit authorities for Interreg programmes covered by the common sample shall not carry out additional audits of operations under those programmes, unless requested to do so by the Commission in accordance with paragraph 8 of this Article or in cases for which an audit authority has identified specific risks.
4. The Commission shall inform the audit authorities of the Interreg programmes concerned of the common sample selected in sufficient time to allow these authorities to carry out the audits of operations, in general, by 1 September following the end of each accounting year.
5. The audit authorities concerned shall submit information on the results of these audits as well as on any financial correction taken in relation to individual irregularities detected, at the latest in the annual control reports to be submitted to the Commission pursuant to Article 48(6) and (7).
6. Following its assessment of the results of audits of operations selected pursuant to paragraph 1, the Commission shall calculate a global extrapolated error rate with regard to the Interreg programmes included in the population from which the common sample was selected, for the purposes of its own assurance process.

7. Where the global extrapolated error rate referred to in paragraph 6 is above 2 % of the total expenditure declared for the Interreg programmes included in the population from which the common sample was selected, the Commission shall calculate a global residual error rate, taking account of financial corrections applied by the respective Interreg programme authorities for individual irregularities detected by the audits of operations selected pursuant to paragraph 1.
8. Where the global residual error rate referred to in paragraph 7 is more than 2 % of the expenditure declared for the Interreg programmes included in the population from which the common sample was selected, the Commission shall determine whether it is necessary to request the audit authority of a specific Interreg programme or a group of Interreg programmes most affected to carry out additional audit work in order to further evaluate the error rate and assess the required corrective measures for the Interreg programmes affected by the irregularities detected.
9. Based on the assessment of the results of the additional audit work requested pursuant to paragraph 8 of this Article, the Commission may request additional financial corrections to be applied on the Interreg programmes affected by the irregularities detected. In such cases, the Interreg programme authorities shall carry out the required financial corrections in accordance with Article 103 of Regulation (EU) 2021/...⁺.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

10. Each audit authority of an Interreg programme for which the information referred to in paragraph 2 of this Article is missing or incomplete or has not been submitted by the deadline laid down in the first subparagraph of that paragraph shall carry out a separate sampling exercise for the respective Interreg programme in accordance with Article 79 of Regulation (EU) 2021/...⁺.

Chapter VII

Financial management

Article 50

Budgetary commitments

The Commission decisions approving Interreg programmes pursuant to Article 18 of this Regulation shall meet the requirements necessary to constitute financing decisions within the meaning of Article 110(2) of the Financial Regulation with regard to the ERDF and the support by an external financing instrument of the Union under shared management.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

Article 51

Payments and pre-financing

1. The ERDF contribution and, where applicable, the support from external financing instruments of the Union to each Interreg programme shall be paid, in accordance with Article 47(2), into a single account with no national subaccounts.

2. The Commission shall pay a pre-financing based on the total support from each Interreg fund, as set out in the decision approving each Interreg programme pursuant to Article 18, subject to available funds, in yearly instalments as follows and before 1 July of the years 2022 to 2026, or, in the year of the approving decision, not later than 60 days after that decision is adopted:
 - (a) 2021: 1 %;
 - (b) 2022: 1 %;
 - (c) 2023: 3 %;
 - (d) 2024: 3 %;
 - (e) 2025: 3 %;
 - (f) 2026: 3 %.

3. Where Interreg programmes are supported by the ERDF and IPA III CBC and where the contribution from the ERDF is 50 % or less of the total Union allocation, the Commission shall pay a pre-financing in accordance with the relevant provision of the IPA III Regulation.
4. Where Interreg programmes are supported by the ERDF and either NDICI or both NDICI and IPA III, and where the contribution from the ERDF is 50 % or less of the total Union allocation, the Commission shall pay a pre-financing in accordance with Article 23(5) of Regulation (EU) 2021/...⁺, taking into account the actual financial needs.

Articles 96 and 97 of Regulation (EU) 2021/...⁺⁺ shall apply *mutatis mutandis* to the pre-financing pursuant to the first subparagraph of this paragraph.

5. The amount paid as pre-financing shall be cleared from the Commission accounts each year for 2021 and 2022 and not later than with the final accounting year for 2023 and subsequent years as well as for amounts paid as pre-financing set out pursuant to paragraphs 3 and 4.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6879/21 [2018/0243(COD)].

⁺⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

Article 52
Recoveries

1. The managing authority shall ensure that any amount paid as a result of an irregularity is recovered from the lead or sole partner. Partners shall repay to the lead partner any amounts unduly paid.

2. The Member States, third countries, partner countries or OCTs participating in a given Interreg programme may decide that the lead or sole partner and the programme's managing authority are not obliged to recover an amount unduly paid that does not exceed EUR 250, not including interest, in contribution from any of the Interreg funds to an operation in an accounting year.

No information needs to be provided to the Commission beyond the information about making a decision pursuant to the first subparagraph.

3. Where the lead partner does not succeed in securing repayment from other partners or where the managing authority does not succeed in securing repayment from the lead or sole partner, the Member State, third country, partner country or OCT on whose territory the partner concerned is located or, in the case of an EGTC, is registered, shall reimburse the managing authority any amounts unduly paid to that partner. The managing authority shall be responsible for reimbursing the amounts concerned to the general budget of the Union, in accordance with the apportionment of liabilities among the participating Member States, third countries, partner countries or OCTs set out in the Interreg programme.
4. Once the Member State, third country, partner country or OCT has reimbursed the managing authority any amounts unduly paid to a partner, it may continue or start a recovery procedure against that partner pursuant to its national law. In the event of successful recovery, the Member State, third country, partner country or OCT may use those amounts for the national co-financing of the Interreg programme concerned. The Member State, third country, partner country or OCT shall not have any reporting obligations towards the programme authorities, the monitoring committee or the Commission with regard to such national recoveries.

5. Where a Member State, third country, partner country or OCT has not reimbursed the managing authority any amounts unduly paid to a partner pursuant to paragraph 4 of this Article, those amounts shall be subject to a recovery order issued by the Commission which shall be executed, where possible, by offsetting to the Member State, third country, partner country or OCT, respectively. Such recovery shall not constitute a financial correction and shall not reduce the support from the ERDF or any external financing instrument of the Union to the respective Interreg programme. The amount recovered shall constitute assigned revenue in accordance with Article 21(3) of the Financial Regulation.

With regard to amounts not reimbursed to the managing authority by a Member State, the offsetting shall concern subsequent payments to the same Interreg programme. The managing authority shall then offset with regard to that Member State in accordance with the apportionment of liabilities among the participating Member States set out in the Interreg programme in the event of financial corrections imposed by the managing authority or the Commission.

With regard to amounts not reimbursed to the managing authority by a third country, partner country or OCT, the offsetting shall concern subsequent payments to programmes under the respective external financing instruments of the Union.

Chapter VIII

Participation of third countries or partner countries, OCTs, or regional integration and cooperation organisations in Interreg programmes under shared management

Article 53

Applicable provisions

Chapters I to VII and Chapter X shall apply to the PEACE PLUS cross-border programme and to participation of third countries, partner countries and OCTs as well as regional integration and cooperation organisations supported by external financing instruments from the Union in Interreg programmes, subject to the provisions set out in this Chapter.

Article 54

Interreg programme authorities and their functions

1. Each third country, partner country and OCT participating in an Interreg programme shall identify a national or regional authority as contact point for the managing authority (the 'contact point').

2. The contact point, a body equivalent to the Interreg programme communication officer as provided for in Article 36(1), or the branch office or offices, shall support the managing authority and partners in the respective third country, partner country or OCT with regard to the tasks provided for in Article 36(2) to (6).

Article 55

Management methods

1. Interreg A programmes supported both by ERDF and IPA III CBC or NDICI-CBC shall be implemented under shared management both in the Member States and in any participating third country or partner country.

The PEACE PLUS cross-border programme shall be implemented under shared management both in Ireland and in the United Kingdom.

2. Interreg B and C programmes combining contributions from the ERDF and from one or more external financing instrument of the Union shall be implemented under shared management both in the Member States and in any participating third country, partner country, participating OCT or, with regard to Interreg D, in any OCT, whether or not that OCT receives support under one or more external financing instruments of the Union.

3. Interreg D programmes combining contributions from the ERDF and one or more external financing instruments of the Union shall be implemented in any of the following ways:
- (a) under shared management both in the Member States and in any participating third country or OCT;
 - (b) under shared management only in the Member States and in any participating third country or OCT with regard to ERDF expenditure outside the Union for one or more operations, whereas the contributions from one or more external financing instruments of the Union are managed under indirect management;
 - (c) under indirect management both in the Member States and in any participating third country or OCT.

Where all or part of an Interreg D programme is implemented under indirect management, Article 61 shall apply.

Article 56
Eligibility

1. By way of derogation from Article 63(2) of Regulation (EU) 2021/...⁺, expenditure shall be eligible for a contribution from external financing instruments of the Union if it has been incurred and paid in the preparation and implementation of Interreg operations from 1 January 2021 or from the date of the programme submission, whichever date is earlier, but may be claimed from the programme after the date when the financing agreement with the respective third country, partner country or OCT was concluded.

However, expenditure for technical assistance managed by programme authorities located in a Member State may already be claimed from the programme before the date when the financing agreement with the respective third country, partner country or OCT was concluded.

2. Where an Interreg programme selects operations based on calls for proposals, such calls may include applications for a contribution from external financing instruments of the Union, even where the calls were launched and operations were selected before the relevant financing agreement was concluded.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

The managing authority may provide the document provided for in Article 22(6) before the relevant financing agreement was concluded.

Article 57

Large infrastructure projects

1. Interreg programmes under this Chapter may support large infrastructure projects meaning operations comprising a set of works, activities or services intended to fulfil an indivisible function of a precise nature pursuing clearly identified objectives of common interest for the purposes of implementing investments delivering a cross-border impact and benefits and where a budget share of a total cost of at least EUR 2 500 000 is allocated to the acquisition, construction or modernisation of infrastructure.
2. Each beneficiary implementing a large infrastructure project or a part thereof shall apply the applicable public procurement rules.
3. The Member State hosting the managing authority of the relevant Interreg programme shall send to the Commission a list of planned large infrastructure projects indicating the prospective name, location, budget and lead partner. That list shall be sent as a separate document either when transmitting the signed copy of the financing agreement or a copy of the implementing agreement as referred to in Article 59 to the Commission or at the latest two months before the meeting of the monitoring committee or, if applicable, the steering committee selecting the first of the envisaged large infrastructure projects.

4. Where the selection of one or more large infrastructure projects is on the agenda of a monitoring committee or, where applicable, steering committee meeting, the managing authority shall transmit a concept note for each such project to the Commission, for information, at the latest two months before the date of the meeting. The concept note shall be a maximum of three pages and shall indicate the name, the location, the budget, the lead partner and the partners as well as the main objectives and deliverables thereof. If the concept note concerning one or more large infrastructure projects is not transmitted to the Commission by that deadline, the Commission may request that the chair of the monitoring committee or steering committee remove the projects concerned from the agenda of the meeting.

Article 58

Procurement

1. Where the implementation of an operation requires procurement of service, supply or works contracts by a beneficiary, the following rules shall apply:
 - (a) where the beneficiary is located in a Member State and is a contracting authority or a contracting entity within the meaning of the Union law applicable to public procurement procedures, it shall apply national laws, regulations and administrative provisions;

- (b) where the beneficiary is a public authority of a partner country under IPA III or NDICI whose co-financing is transferred to the managing authority, it may apply national laws, regulations and administrative provisions, provided that the financing agreement allows it and that the contract is awarded to the tender offering best value for money, or as appropriate, to the tender offering the lowest price, while avoiding any conflict of interests.
2. For the award of goods, works or services in all cases other than those referred to in paragraph 1 of this Article, the procurement procedures provided for in Articles 178 and 179 of the Financial Regulation and points 36 to 41 of Chapter 3 of Annex I to that Regulation shall apply.

Article 59

Conclusion of financing agreements under shared management

1. In order to implement an Interreg programme in a third country, partner country or OCT, in accordance with Article 112(4) of the Financial Regulation, a financing agreement shall be concluded between the Commission, representing the Union, and each participating third country, partner country or OCT represented in accordance with its national legal framework.

2. Any financing agreement shall be concluded by 31 December of the year following the year when the first budget commitment was made and shall be considered to be concluded on the date when the last party has signed it.

Any financing agreement shall enter into force either on the date:

- (a) when the last party has signed it; or
 - (b) when the third or partner country or OCT has completed the procedure required for ratification in accordance with its national legal framework and has informed the Commission.
3. The Commission shall provide the draft financing agreement when approving the external programme.

Where an Interreg programme involves more than one third country, partner country or OCT, at least one financing agreement shall be concluded by both parties before the date specified in paragraph 2. The other third countries, partner countries or OCTs may sign their respective financing agreements at the latest on 30 June of the second year following the year when the first budget commitment was made.

4. The Member State hosting the managing authority of the relevant Interreg programme either:
 - (a) may also sign the financing agreement; or
 - (b) shall sign, without delay, an implementing agreement with each third country, partner country or OCT participating in that Interreg programme setting out the mutual rights and obligations with regard to its implementation and financial management.

5. An implementing agreement signed pursuant to point (b) of paragraph 4 shall at least cover the following elements:
 - (a) detailed arrangements for payments;
 - (b) financial management;
 - (c) record keeping;
 - (d) reporting obligations;
 - (e) verifications, controls and audit; and
 - (f) irregularities and recoveries.

6. Where the Member State hosting the managing authority of the Interreg programme decides to sign the financing agreement pursuant to point (a) of paragraph 4 of this Article, that financing agreement shall be considered to be a tool to implement the Union budget in accordance with the Financial Regulation and not an international agreement as referred to in Articles 216 to 219 TFEU.

Article 60

Third country, partner country or OCT contribution other than co-financing

1. Where a third country, partner country or OCT transfers to the managing authority a financial contribution to support the Interreg programme, other than its co-financing of the Union support to the Interreg programme, the rules concerning that financial contribution shall be contained in the following document:
- (a) where the Member State concerned signs the financing agreement pursuant to point (a) of Article 59(4), in one of the following:
 - (i) a distinct part of that financing agreement; or
 - (ii) in a separate implementing agreement signed either between the Member State hosting the managing authority and the third country, partner country or OCT or directly between the managing authority and the competent authority in the third country, partner country or OCT; and

- (b) where the Member State concerned signs an implementing agreement pursuant to point (b) of Article 59(4), in one of the following:
 - (i) a distinct part of that implementing agreement; or
 - (ii) an additional implementing agreement signed between the same parties referred to in point (a).

For the purposes of point (b)(i) of the first subparagraph, sections of the implementing agreement may, where applicable, cover both the transferred financial contribution and the Union support to the Interreg programme.

2. An implementing agreement provided for in paragraph 1 of this Article shall at least contain the elements concerning the third country's, partner country's or OCT's co-financing listed in Article 59(5).

In addition, it shall set out both of the following:

- (a) the amount of the additional financial contribution; and
- (b) the intended use and conditions for its use, including conditions for applications for that additional contribution.

3. With regard to the PEACE PLUS cross-border programme, the financial contribution to Union activities from the United Kingdom in the form of external assigned revenue as referred to in point (e) of Article 21(2) of the Financial Regulation shall be part of the budget appropriations for Heading 2 'Cohesion and Values', sub-ceiling 'Economic, social and territorial cohesion'.

That contribution shall be subject to a specific financing agreement with the United Kingdom in accordance with Article 59 of this Regulation. The Commission and the United Kingdom as well as Ireland shall be parties to this specific financing agreement.

The specific financing agreement shall be concluded before the beginning of the implementation of the programme, thus allowing the Special EU Programmes Body to apply the Union legislation applicable to the implementation of the programme.

Chapter IX

Specific provisions for indirect management

Article 61

Outermost regions' cooperation

1. Where, with the agreement of the Member State and the regions concerned, part or all of an Interreg D programme is implemented under indirect management pursuant to point (b) or (c) respectively of Article 55(3) of this Regulation, implementation tasks shall be entrusted to one of the bodies listed in point (c) of the first subparagraph of Article 62(1) of the Financial Regulation, in particular to such a body located in the participating Member State, including the managing authority of the Interreg programme concerned.
2. In accordance with point (c) of Article 154(6) of the Financial Regulation, the Commission may decide not to require an ex-ante assessment as referred to in paragraphs 3 and 4 of that Article when the budget implementation tasks referred to in point (c) of the first subparagraph of Article 62(1) of that Regulation are entrusted to a managing authority of an outermost regions' Interreg programme identified pursuant to Article 45(1) of this Regulation and in accordance with Article 71 of Regulation (EU) 2021/...⁺.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

3. Where the budget implementation tasks referred to in point (c) of the first subparagraph of Article 62(1) of the Financial Regulation are entrusted to a Member State organisation, Article 157 of that Regulation shall apply.
4. Where a programme or action co-financed by one or more external financing instrument is implemented by a third country, a partner country, an OCT or any of the other bodies listed in point (c) of the first subparagraph of Article 62(1) of the Financial Regulation or referred to in Regulation (EU) 2021/...⁺ or Decision 2013/755/EU, or both, the relevant rules of these instruments shall apply.

Conditions for the implementation of part of an Interreg strand D programme under indirect management pursuant to point (b) or (c) of Article 55(3) of this Regulation shall be defined by an agreement concluded between the Commission, the managing authority or its Member State, and the entrusted body.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6879/21 [2018/0243(COD)].

Chapter X

Final provisions

Article 62

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 16(6) shall be conferred on the Commission for an indeterminate period of time from ... [the date of entry into force of this Regulation].
3. The delegation of power referred to in Article 16(6) 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.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 16(6) 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 to 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 63

Committee Procedure

1. The Commission shall be assisted by the committee set up pursuant to Article 115(1) of Regulation (EU) 2021/...⁺. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

Article 64
Transitional provisions

Regulation (EU) No 1299/2013 or any act adopted pursuant to that Regulation shall continue to apply to programmes and operations supported by the ERDF under the 2014-2020 programming period.

Article 65
Entry into force

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

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX

TEMPLATE FOR INTERREG PROGRAMMES

CCI	[15 characters]
Title	[255]
Version	
First year	[4]
Last year	[4]
Eligible from	
Eligible until	
Commission decision number	
Commission decision date	
Programme amending decision number	[20]
Programme amending decision entry into force date	
NUTS regions covered by the programme	
Strand	

1. Joint programme strategy: main development challenges and policy responses

1.1. Programme area (not required for Interreg C programmes)

Reference: point (a) of Article 17(3), point (a) of Article 17(9)

Text field [2 000]

- 1.2. Joint programme strategy: Summary of main joint challenges, taking into account economic, social and territorial disparities as well as inequalities, joint investment needs and complimentary and synergies with other funding programmes and instruments, lessons-learnt from past experience and macro-regional strategies and sea-basin strategies where the programme area as a whole or partially is covered by one or more strategies.

Reference: point (b) of Article 17(3), point (b) of Article 17(9)

Text field [50 000]

- 1.3. Justification for the selection of policy objectives and the Interreg-specific objectives, corresponding priorities, specific objectives and the forms of support, addressing, where appropriate, missing links in cross-border infrastructure

Reference: point (c) of Article 17(3)

Table 1

Selected policy objective or selected Interreg-specific objective	Selected specific objective	Priority	Justification for selection
			[2 000 per objective]

2. Priorities [300]

Reference: points (d) and (e) of Article 17(3)

2.1. Title of the priority (repeated for each priority)

Reference: point (d) of Article 17(3)

Text field: [300]

2.1.1. Specific objective (repeated for each selected specific objective)

Reference: point (e) of Article 17(3)

Text field: [300]

2.1.2. Related types of action, and their expected contribution to those specific objectives and to macro-regional strategies and sea-basis strategies, where appropriate

Reference: point (e)(i) of Article 17(3), point (c)(ii) of Article 17(9)

Text field [7000]

For the INTERACT and ESPON programme:

Reference: point (c)(i) of Article 17(9)

Definition of a single beneficiary or a limited list of beneficiaries and the granting procedure

Text field [7000]

2.1.3. Indicators

Reference: point (e)(ii) of Article 17(3), point (c)(iii) of Article 17(9)

Table 2: Output indicators

Priority	Specific objective	ID [5]	Indicator	Measurement unit [255]	Milestone (2024) [200]	Final target (2029) [200]

Table 3: Result indicators

Priority	Specific objective	ID	Indicator	Measurement unit	Baseline	Reference year	Final target (2029)	Source of data	Comments

2.1.4. Main target groups

Reference: point (e)(iii) of Article 17(3), point (c)(iv) of Article 17(9)

Text field [7000]

2.1.5. Indication of the specific territories targeted, including the planned use of ITI, CLLD or other territorial tools

Reference: Article point (e)(iv) of 17(3)

Text field [7000]

2.1.6. Planned use of financial instruments

Reference: point (e)(v) of Article 17(3)

Text field [7000]

2.1.7. Indicative breakdown of the EU programme resources by type of intervention

Reference: point (e)(vi) of Article 17(3), point (c)(v) of Article 17(9)

Table 4: Dimension 1 – intervention field

Priority no	Fund	Specific objective	Code	Amount (EUR)

Table 5: Dimension 2 – form of financing

Priority no	Fund	Specific objective	Code	Amount (EUR)

Table 6: Dimension 3 – territorial delivery mechanism and territorial focus

Priority No	Fund	Specific objective	Code	Amount (EUR)

3. Financing plan

Reference: point (f) of Article 17(3)

3.1. Financial appropriations by year

Reference: point (g)(i) of Article 17(3), points (a) to (d) of Article 17(4)

Table 7

Fund	2021	2022	2023	2024	2025	2026	2027	Total
ERDF (territorial cooperation goal)								
IPA III CBC ¹								
NDICI-CBC ¹								
IPA III ²								
NDICI ²								
OCTP ³								
Interreg funds ⁴								
Total								

3.2. Total financial appropriations by fund and national co-financing

Reference: point (f)(ii) of Article 17(3), points (a) to (d) of Article 17(4)

-
- 1 Interreg A, external cross-border cooperation.
2 Interreg B and C.
3 Interreg B, C and D.
4 ERDF, IPA III, NDICI or OCTP, where as single amount under Interreg B and C.

Table 8

Policy objective No	Priority	Fund (as applicable)	Basis for calculation EU support (total eligible cost or public contribution)	EU contribution (a)=(a1)+(a2)	Indicative breakdown of the EU contribution		National contribution (b)=(c)+(d)	Indicative breakdown of the national counterpart		Total (e)=(a)+(b)	Co-financing rate (f)=(a)/(e)	Contributions from the third countries (for information)
					without TA pursuant to Article 27(1) (a1)	for TA pursuant to Article 27(1) (a2)		National public (c)	National private (d)			
	Priority 1	ERDF										
		IPA III CBC ¹										
		NDICI- CBC ¹										
		IPA III ²										
		NDICI ²										
		OCTP ³										
		Interreg funds ⁴										

¹ Interreg A, external cross-border cooperation.

² Interreg B and C.

³ Interreg B, C and D.

⁴ ERDF, IPA III, NDICI or OCTP, where as single amount under Interreg B and C.

Policy objective No	Priority	Fund (as applicable)	Basis for calculation EU support (total eligible cost or public contribution)	EU contribution (a)=(a1)+(a2)	Indicative breakdown of the EU contribution		National contribution (b)=(c)+(d)	Indicative breakdown of the national counterpart		Total (e)=(a)+(b)	Co-financing rate (f)=(a)/(e)	Contributions from the third countries (for information)
					without TA pursuant to Article 27(1) (a1)	for TA pursuant to Article 27(1) (a2)		National public (c)	National private (d)			
	Priority 2	(funds as above)										
	Total	All funds										
		ERDF										
		IPA III CBC										
		NDICI-CBC										
		IPA III										
		NDICI										
		OCTP										
		Interreg funds										
	Total	All funds										

4. Action taken to involve the relevant programme partners in the preparation of the Interreg programme and the role of those programme partners in the implementation, monitoring and evaluation

Reference: point (g) of Article 17(3)

Text field [10 000]

5. Approach to communication and visibility for the Interreg programme (objectives, target audiences, communication channels, including social media outreach, where appropriate, planned budget and relevant indicators for monitoring and evaluation)

Reference: point (h) of Article 17(3)

Text field [4 500]

6. Indication of support to small-scale projects, including small projects within small project funds

Reference: point (i) of Article 17(3), Article 24

Text field [7 000]

7. Implementing provisions

7.1. Programme authorities

Reference: point (a) of Article 17(6)

Table 10

Programme authorities	Name of the institution [255]	Contact name [200]	E-mail [200]
Managing authority			
National authority (for programmes with participating third or partner countries, if appropriate)			
Audit authority			
Group of auditors representatives			
Body to which the payments are to be made by the Commission			

7.2. Procedure for setting up the joint secretariat

Reference: point (b) of Article 17(6)

Text field [3 500]

- 7.3. Apportionment of liabilities among participating Member States and where applicable, the third or partner countries and OCTs, in the event of financial corrections imposed by the managing authority or the Commission

Reference: point (c) of Article 17(6)

Text field [10 500]

8. Use of unit costs, lump sums, flat rates and financing not linked to costs

Reference: Articles 94 and 95 of Regulation (EU) 2021/...⁺ (CPR)

Table 11: Use of unit costs, lump sums, flat rates and financing not linked to costs

Intended use of Articles 94 and 95	YES	NO
From the adoption the programme will make use of reimbursement of the Union contribution based on unit costs, lump sums and flat rates under priority according to Article 94 CPR (if yes, fill in Appendix 1)	<input type="checkbox"/>	<input type="checkbox"/>
From the adoption the programme will make use of reimbursement of the Union contribution based on financing not linked to costs according to Article 95 CPR (if yes, fill in Appendix 2)	<input type="checkbox"/>	<input type="checkbox"/>

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

APPENDICES

Map 1: Map of the programme area

Appendix 1: Union contribution based on unit costs, lump sums and flat rates

Appendix 2: Union contribution based on financing not linked to costs

Appendix 3: List of planned operations of strategic importance with a timetable

Appendix 1

Union contribution based on unit costs, lump sums and flat rates

Template for submitting data for the consideration of the Commission

(Article 94 of Regulation (EU) 2021/...⁺ (CPR))

Date of submitting the proposal	

This Appendix is not required when EU-level simplified cost options established by the delegated act referred to in Article 94(4) of CPR are used.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

A. Summary of the main elements

Priority	Fund	Specific objective	Estimated proportion of the total financial allocation within the priority to which the simplified cost option will be applied in %	Type(s) of operation covered		Indicator triggering reimbursement		Unit of measurement for the indicator triggering reimbursement	Type of simplified cost option (standard scale of unit costs, lump sums or flat rates)	Amount (in EUR) or percentage (in case of flat rates) of the simplified cost option
				Code ¹	Description	Code ²	Description			

¹ This refers to the code for the intervention field dimension in Table 1 of Annex I CPR.

² This refers to the code of a common indicator, if applicable.

B. Details by type of operation (to be completed for every type of operation)

Did the managing authority receive support from an external company to set out the simplified costs below?

If so, please specify which external company:

1.1	Description of the operation type including the timeline for implementation ¹	
1.2	Specific objective	
1.3	Indicator triggering reimbursement ²	
1.4	Unit of measurement for the indicator triggering reimbursement	
1.5	Standard scale of unit cost, lump sum or flat rate	
1.6	Amount per unit of measurement or percentage (for flat rates) of the simplified cost option	
1.7	Categories of costs covered by the unit cost, lump sum or flat rate	

¹ Envisaged starting date of the selection of operations and envisaged final date of their completion (ref. Article 63(5) of CPR).

² For operations encompassing several simplified cost options covering different categories of costs, different projects or successive phases of an operation, the fields 1.3 to 1.11 need to be filled in for each indicator triggering reimbursement.

1.8	Do these categories of costs cover all eligible expenditure for the operation? (Y/N)	
1.9	Adjustment(s) method ¹	
1.10	<p>Verification of the achievement of the units delivered</p> <ul style="list-style-type: none"> – describe what document(s)/system will be used to verify the achievement of the units delivered – describe what will be checked and by whom during management verifications – describe what arrangements will be made to collect and store the relevant data/documents 	
1.11	Possible perverse incentives, mitigating measures ² and the estimated level of risk (high/medium/low)	
1.12	Total amount (national and EU) expected to be reimbursed by the Commission on this basis	

C. Calculation of the standard scale of unit costs, lump sums or flat rates

1. Source of data used to calculate the standard scale of unit costs, lump sums or flat rates (who produced, collected and recorded the data; where the data are stored; cut-off dates; validation, etc.):

¹ If applicable, indicate the frequency and timing of the adjustment and a clear reference to a specific indicator (including a link to the website where this indicator is published, if applicable).

² Are there any potential negative implications on the quality of the supported operations and, if so, what measures (such as. quality assurance) will be taken to offset this risk?

2. Please specify why the proposed method and calculation based on Article 88(2) of CPR is relevant to the type of operation:

3. Please specify how the calculations were made, in particular including any assumptions made in terms of quality or quantities. Where relevant, statistical evidence and benchmarks should be used and, if requested, provided in a format that is usable by the Commission:

4. Please explain how you have ensured that only eligible expenditure was included in the calculation of the standard scale of unit cost, lump sum or flat rate:

5. Assessment of the audit authority or authorities of the calculation methodology and amounts and the arrangements to ensure the verification, quality, collection and storage of data:

Appendix 2

Union contribution based on financing not linked to costs

Template for submitting data for the consideration of the Commission

(Article 95 of Regulation (EU) 2021/...⁺ (CPR))

Date of submitting the proposal	

This Appendix is not required when amounts for EU-level financing not linked to costs established by the delegated act referred to in Article 95(4) of CPR are used.

⁺ OJ: Please insert in the text the number of the Regulation contained in document ST 6674/21 [2018/0196(COD)].

A. Summary of the main elements

Priority	Fund	Specific objective	The amount covered by the financing not linked to costs	Type(s) of operation covered		Conditions to be fulfilled/results to be achieved triggering reimbursement by the Commission	Indicator		Unit of measurement for the conditions to be fulfilled/results to be achieved triggering reimbursement by the Commission	Envisaged type of reimbursement method used to reimburse the beneficiary or beneficiaries
				Code ¹	Description		Code ²	Description		

¹ This refers to the code for the intervention field dimension in Table 1 of Annex I to the CPR and Annex IV to the EMFAF Regulation.

² This refers to the code of a common indicator, if applicable.

B. Details by type of operation (to be completed for every type of operation)

1.1	Description of the operation type			
1.2	Specific objective			
1.3	Conditions to be fulfilled or results to be achieved			
1.4	Deadline for fulfilment of conditions or results to be achieved			
1.5	Unit of measurement for conditions to be fulfilled/results to be achieved triggering reimbursement by the Commission			
1.6	Intermediate deliverables (if applicable) triggering reimbursement by the Commission with schedule for reimbursements	Intermediate deliverables	Envisaged date	Amounts (in EUR)
1.7	Total amount (including Union and national funding)			
1.8	Adjustment(s) method			

1.9	<p>Verification of the achievement of the result or condition (and where relevant, the intermediate deliverables)</p> <ul style="list-style-type: none"> – describe what document(s)/system will be used to verify the achievement of the result or condition (and where relevant, each of the intermediate deliverables) – describe how management verifications (including on-the-spot) will be carried out, and by whom – describe what arrangements will be made to collect and store relevant data/documents 	
1.10	<p>Use of grants in the form of financing not linked to costs/ Does the grant provided by Member State to beneficiaries take the form of financing not linked to costs? [Y/N]</p>	
1.11	<p>Arrangements to ensure the audit trail</p> <p>Please list the body(ies) responsible for these arrangements.</p>	

Appendix 3

List of planned operations of strategic importance with a timetable - Article 17(3)

Text field [2 000]
