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**NOTE**

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| From: | Presidency |
| To: | Permanent Representatives Committee |
| Subject: | Regulation establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security for the period 2028-2034 and amending Regulation (EU) 2023/955 and Regulation (EU, Euratom) 2024/2509<br>- *Guidance for further work* |

## I. BACKGROUND

1. On 16 July 2025, the Commission submitted to the Council and the European Parliament its package of proposals for the Multiannual Financial Framework (MFF) for the years 2028-2034. The legislative package includes a proposal for a Regulation establishing a new European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security ('the Fund'). According to the proposal, the Fund will be implemented through National and Regional Partnership Plans ('the Plans'). The proposed regulation on National and Regional Partnership ('NRP regulation') sets out the rules for programming, implementation, governance and monitoring, as well as the financial framework for interventions in the area of Cohesion

Policy, Common Agriculture Policy (CAP), Common Fisheries Policy (CFP) and Home Affairs.

2. The Ad hoc Working Party on the Multiannual Financial Framework - National and Regional Partnerships (AHWP NRP), which has been created under the remit of the Ad Hoc Working Party for the Multiannual Financial Framework (AHWP MFF) 2028 – 2034, is mandated to negotiate on the NRP Regulation proposal, excluding the bracketed elements left for the discussions in the AHWP MFF and the outcome of which is included in the negotiating box.

3. The NRP Regulation proposal has been divided in nine thematic blocks to facilitate the discussions, and priority has been given to those blocks most relevant to start the preparation of the National and Regional Partnership Plans. While significant progress was made on the proposal as a whole, the Cyprus Presidency, building on the work under the Danish Presidency, has made substantial progress on blocks 1 (General provisions – definitions and objectives), 3 (Financial framework, financial rules and financial instruments), 4 (EU Facility), 5 (Planning and programming of the plan) and 6 (Governance and monitoring of the plan – general management rules), in the form of compromise texts to address delegations' concerns and to clarify the text of the Commission proposal. Further work is taking place on blocks 2, 7 and 8 in view of tabling compromise texts for discussion in Coreper later in May.

4. The Presidency attached particular importance to enhancing Member States' understanding of the proposed framework. In this regard, further to the intense discussions that took place in the AHWP NRP, and the written comments submitted by the Member States, the Presidency organised a number of bilateral meetings and two rounds of group meetings with the delegations discussing key issues of the proposal. In addition, two online technical seminars were held, with the participation of experts from capitals, focusing on the new delivery model and its interlinkages with the Performance Framework Regulation. The outcome of these discussions is reflected in the three compromise proposals on blocks 1,3, 4, 5, 6 which have been presented and discussed in the AHWP NRP. While the Presidency has managed to strike a balance between the positions of the Member States on many aspects of the Regulation, it has also identified some sensitive issues that require political guidance on how to address them.

5. On block 1 (General provisions – definitions and objectives), the Presidency has focused on enhancing clarity regarding the general and specific objectives of the NRP Plan, with a view to reinforcing the role of the Treaty-based policies, while preserving sufficient flexibility for Member States to design their Plans in line with national needs and challenges. In this context, the Presidency has strengthened the visibility of Cohesion Policy within the general and specific objectives and clarified the relationship between the NRPP Regulation and the ERDF/Interreg Regulation. The role of competitiveness and environmental protection within the specific objectives has been reinforced, alongside further strengthening key policy areas. Furthermore, the relationship between the Home Affairs Funds and the NRPP Regulation has been clarified by introducing dedicated general and specific objectives. While the Presidency recognises that targeted technical adjustments are needed, it considers the specific block as balanced and stable.

6. On block 3 (Financial framework, financial rules and financial instruments), the Presidency has made significant progress in enhancing predictability, proportionality and legal certainty for Member States in the application of the performance-based approach, notably by clarifying their obligations stemming from the NRPP Regulation. In particular, it has been clarified that Member States will not be required to verify the underlying costs for the fulfilment of milestones and targets, whereas a definition of serious non-compliance has been introduced limiting its scope to the deficiencies in the effective functioning of the management and control system along the relevant grading methodology. This has resulted in a simplification of the processes, reducing the Commission's discretion to undertake excessive checks and interruptions of the payment processes.

7. Furthermore, the compromise proposals introduce additional safeguards, as well as enhanced flexibility and predictability for Member States in relation to financial corrections, suspension of payments and decommitments, including, in certain cases, the possibility to reuse corrected funds. While substantial progress has been achieved, the Presidency considers that further work remains necessary in this area. Further technical work seems necessary on proportionality and flexibility of the rules on payments, including interruptions, suspensions and financial corrections.

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8. In parallel, the Presidency has improved the institutional balance by narrowing the Commission's empowerment, thereby enhancing legal certainty and predictability for Member States, while strengthening the role of the Council in cases of non-compliance with macroeconomic conditionalities. The Presidency considers that besides some technical clarifications, a certain balance has been achieved on Block 3, also taking into account that many provisions are bracketed.

9. On block 4 (EU Facility), the Presidency has made significant progress in strengthening the role of the Council in overseeing the implementation of the Facility. The Presidency's work has focused on establishing robust governance mechanisms, enhancing predictability for Member States, and ensuring stronger Council involvement in the mobilisation of Union funds supporting the implementation of Union actions. Particular attention has been given to ensuring continuity with existing Home Affairs arrangements, as well as to the introduction of urgency procedures for the activation of Union Actions in situations of crisis. In this context, the Presidency has also clarified the scope of crises under the EU Facility, ensuring as much continuity as possible with the current arrangements. Member States expressed views on the scope of crisis situations which can be financed from the flexibility amount and subsequently from the EU Facility and whether the scope should be the same or not, taking into account the existing practice in the current Multiannual Financial Framework. The Presidency considers that the remaining aspects of the block are considered to be balanced and stable.

10. On block 5 (Planning and programming of the Plans), the Presidency has made significant progress in strengthening the overall framework, notably by reinforcing the principle of multi-level governance, while fully respecting Member States' institutional, legal and financial frameworks. In this context, particular emphasis has been placed on recognising the key role of regions in shaping and implementing the NRP Plans. As regards the content of the Plans and in response to requests from the majority of Member States**,** the Presidency has adapted the European Commission proposal, which required Members States to address all specific objectives, by clarifying that the NRP Plans should ensure that all specific objectives are duly addressed, while having the flexibility to contribute to the sub-areas of specific objectives which are relevant to the Member State. At the same time, the overall level of ambition of the NRP Plans should be maintained. Flexibility was foreseen in distributing the roles and funding between the national and

regional level with an aim to address the concerns of the Member States that will choose to establish regional chapters.

11. With regard to the climate and environmental objectives of the Fund and in order to enhance predictability and transparency, the Presidency has removed the European Commission's discretion to request Member States to contribute to a lower or higher percentage.

12. Progress has also been made in clarifying the assignment of pay-out values to the relevant milestones and targets, while acknowledging that further targeted technical work may be necessary in this area. Furthermore, steps have been taken to simplify the procedures for the approval and amendment of the Plans. Nevertheless, outstanding issues remain, in particular concerning the Commission's possibility to suggest additional measures and the obligation for Member States to ensure that cost estimates remain reasonable and plausible throughout the implementation of the Plans.

13. On block 6 (Governance and monitoring of the Plans), the Presidency has made significant progress in enabling Member States to rely on existing national and regional governance structures and mechanisms, thereby avoiding unnecessary administrative burden and ensuring continuity. In this context, efforts have focused on providing a high degree of flexibility to Member States while preserving the coherence of the single-plan framework. The Presidency considers that the current text strikes a balanced approach in accommodating different national legal and institutional arrangements, and that further deviations could risk undermining this balance.

14. As regards the performance-based system, Member States seek further simplification and flexibility in relation to the governance of the NRPP Regulation. As a result, the Presidency has focused on enhancing the clarity of Member States' obligations, in particular with regard to the assurance framework, while introducing targeted amendments aimed at increasing predictability. The Presidency acknowledges that overall a certain balance has been achieved while noting that Member States continue to express views regarding the need to ensure that the total payments from the Commission do not exceed the total amount paid to the beneficiaries.

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15. Furthermore, responding to the delegations' call, the Presidency has transferred several provisions for moving CAP, CFP- and CMO-related provisions from the NRP Regulation to the to the relevant sectoral Regulations in order to enhance the visibility of the CAP and the consistency of the provisions applicable to it.

16. The Presidency is approaching the final steps before submitting a Partial General Approach on the NRP Regulation proposal to the Council, as part of the overall negotiations of the Multiannual Financial Framework 2028-2034. Therefore, Coreper is invited to provide political guidance on the way forward.

## II. WAY FORWARD

17. The Permanent Representatives Committee is invited to take stock of the progress achieved and provide political orientation on the work forward in view of achieving a Partial General Approach by the end of the Cyprus Presidency. In this context the Permanent Representatives Committee is invited to provide guidance on the following questions:

*Q1: Do you consider that the requirements for the NRP Plans as set in the latest compromise text strike sufficient balance between the need to reflect the specific situations of the Member States in the programming and ensuring the level of ambition of the NRP Plans?*

*Q2: How would you assess the proposed scope of crises for accessing the flexibility amount in the NRP Plan and the support available under the EU Facility?*

*Q3: On assurance, how would you assess the proposed balance between flexibility and need to protect the EU financial interests?*

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**ANNEX**

2025/0240 (COD)

**Proposal for a**

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing the European Fund for economic, social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security for the period 2028-2034 and amending Regulation (EU) 2023/955 and Regulation (EU, Euratom) 2024/2509**

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# TITLE I
# GENERAL PROVISIONS

*[Article 1*

**Subject matter**

1. This Regulation establishes the 'European Fund for Economic, Territorial, Social Cohesion, Agriculture and Rural, Fisheries and Maritime Prosperity and Security' Fund (the Fund). It lays down rules on:

   (a) tasks, priority objectives, organisation and grouping under the Fund of:

      (i) the Structural Funds and Cohesion Fund;

      (ii) instruments for the common agriculture policy (the CAP);

      (iii) instruments for the common fisheries policy;

      (iv) instruments funded from the auctioning of allowances in the framework of the emission trading systems set up under Directive 2003/87/EC to address the social impacts of the introduction of an emission trading system for buildings and road transport on vulnerable households, vulnerable micro-enterprises and vulnerable transport users;

(v) support to security and defence capabilities.

(b) the financial rules for Union support to be implemented by means of the National and Regional Partnership Plans (the 'NRP Plans'), the Interreg Plan as set out in the Regulation XX [Regional development, Chapter II on the Interreg Plan] (the 'Interreg Plan') and the EU Facility (the 'Facility');

(c) the financial resources for the period from 1 January 2028 to 31 December 2034.

2. The Regulations listed below may set out specific conditions to complement this Regulation which shall not be in contradiction with this Regulation:

(a) Regulation XX [establishing the European Fund for Regional development including for European Territorial Cooperation (Interreg) and Cohesion Fund as part of the Fund set out in Regulation (EU) […] [NRP] and establishing conditions for the implementation of the Union support to regional development from 2028 to 2034]

(b) Regulation XX [establishing the European Social Fund as part of the Fund set out in Regulation (EU) […] [NRP] and establishing conditions for the implementation of the Union support to quality employment, skills and social inclusion for the period from 2028 to 2034]

(c) Regulation XX [establishing the Common Agriculture Policy as part of the Fund set out in Regulation (EU) […] [NRP] and establishing conditions for the implementation of the Union support to support the implementation of the Common Agricultural Policy (CAP) of the Union in accordance with Title III of Part III of the TFEU, ensuring a fair standard of living for the agricultural community and the availability of food, increasing agricultural productivity, stabilising markets, and supporting long-term food security from 2028 to 2034]

(d) Regulation XX [establishing Common Fisheries Policy and Union's maritime policy as part of the Fund set out in Regulation (EU) […] [NRP] and establishing conditions for the implementation of ……. from 2028 to 2034]

(e) Regulation (EU) […] establishing the Union support for asylum migration and integration for the period from 2028 to 2034

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(f) Regulation (EU) […] establishing the Union support for European integrated border management and European visa policy for the period from 2028 to 2034

(g) Regulation (EU) […] establishing the Union support for internal security for the period from 2028 to 2034

(h) Regulation (EU) 202X/XXXX amending Regulation (EU) No 1308/2013 of the European Parliament and of the Council[1] as regards the school fruit, vegetables and milk scheme ('EU school scheme'), interventions in certain sectors, the creation of a protein sector, requirements for hemp, the possibility for marketing standards for cheese, protein crops and meat, application of additional import duties and rules on the availability of supplies in time of emergencies and severe crisis, to the extent relevant to the support under this Regulation.

In case of doubt about the application between this Regulation and the policy-specific regulations referred to in the first subparagraph, this Regulation shall prevail.**]**

*Article 2*

**General objectives of the Fund**

1. With the overall ~~aim~~**goal** of promoting economic, social and territorial cohesion, the sustainable development**, growth** and competitiveness of the Union, its **environment, its** security**, its resilience** and its preparedness, the Fund shall support the following general objectives:

(a) to ~~reduce~~**support the implementation of the Cohesion Policy of the Union by reducing** regional imbalances in the Union and the backwardness of the least favoured regions and promote European territorial cooperation in accordance with Part Three, Title XVIII of the TFEU, including supporting projects in the area of environment and trans-European networks in the area of transport infrastructure in

[1] Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671, ELI: http://data.europa.eu/eli/reg/2013/1308/oj).

accordance with Article 177(2) TFEU ('European Regional Development Fund and Cohesion Fund');

(b) to support **the implementation of the Cohesion Policy of the Union by enhancing** quality employment**, training**, education and skills and social inclusion in accordance with Part Three, Title XI and Title XVIII of Part Three of the TFEU ('European Social Fund') and to contribute to a socially fair transition towards climate neutrality in accordance with Article 91(1), point (d), Article 192(1) and Article 194(2) TFEU;

(c) to support the implementation of the CAP of the Union in accordance with ~~Parth Three,~~ Title III **of Part Three** of the TFEU;

(d) to support the implementation of the common fisheries policy of the Union in accordance with **Title III of** Part Three~~, Title III~~ of the TFEU;

(e) to protect and strengthen democracy in the Union and uphold Union values in accordance with Article 2 TEU.

**The Fund shall also contribute to the achievement of the objectives set out in Regulation (EU) […] establishing the Union support for asylum migration and integration for the period from 2028 to 2034 [AMI], Regulation (EU) […] establishing the Union support for the Schengen area, for European integrated border management and for the common policy on visas for the period from 2028 to 2034 [BMV] and Regulation (EU) […] establishing the Union support for internal security for the period from 2028 to 2034 [IS].**

**2. Articles 10(3), 11(2), 11(3), 13(3) to 13(5), 16(3), 16(6), 17(1), 18, 19, 20(1), 20(2), 20(4), 21 to 48, 49(3), 49(4), 49(7), 49(8), 49(10), 50, 52, 54 to 56, 57, 62, 70, 77, 80 to 83 shall not apply to the Interreg Plan.**

**3. For the purpose of this Regulation, 'the Plan' shall be understood as referring to both the National and Regional Partnership Plan and the Interreg Plan chapters, except for provisions in Articles 1(1)(b), Art. 4(8)(b)&(9), 5(1), 10(2)(c), where it shall refer to the Interreg Plan.**

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**In relation to the Interreg Plan and Interreg Plan chapters under this Regulation, the term 'Member State' shall be understood as referring to 'the Member State hosting the managing authority'.**

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*Article 3*

**Specific objectives of the Fund**

1. The general objectives referred to in Article 2 shall be pursued across ~~all~~ regions through the ~~following~~**relevant** specific objectives **as follows**:

   (a) to support the Union's sustainable prosperity**, competitiveness and cohesion** across all regions by:

      (i) fostering the attractiveness of territories to support the right to stay including by supporting **territorial** strategies for the integrated development of urban and rural areas, including support for territorial services and infrastructure**, as well as sustainable mobility**;

      (ii) strengthening the Union's **competitiveness, including by the support of its** industrial base **and service sectors, with special attention to the competitiveness of small- and medium-sized enterprises**, resilient supply chains and boosting sustainable and competitive manufacturing, in particular in the areas of **strategic technologies, including** net zero and critical raw materials technologies, ~~with special attention to the competitiveness of small- and medium-sized enterprises,~~ by fully integrating environmental and climate ambitions to accelerate a clean industrial transition;

      (iii) supporting a just transition towards the Union's 2030, 2040 and 2050 targets for energy and climate, in particular by prioritising support for clean energy generation and infrastructure, promoting energy efficiency and decarbonisation, storage and technology, developing smart energy systems and domestic transmission and distribution grids ~~also~~**as well as** taking into account the Trans-European Network (TEN-E) and technology**,** and promoting **resource efficiency and** a circular economy, ensuring that all territories and everyone can contribute and benefit from the clean **and just** transition;

(iv) supporting the digital transformation**, in particular** towards the Digital Decade targets and objectives set out in the Digital Decade Policy Programme 2030, thereby contributing to the achievement of a digitally **open,** sovereign, secure, and inclusive Union, and promoting the development and use of advanced technologies, including AI secure and trusted digital infrastructure and services, basic and advanced digital skills, digital public services, and ICT connectivity, while addressing the digital divide;

(v) supporting research, development and innovation**, and the uptake of technologies, in particular in SMEs**, including the diffusion of innovation across all regions **and sectors, while taking into consideration smart specialisation strategies**;

(vi) supporting measures, including reforms to further the Saving and investments Union and foster the development of market-based funding options;

(vii) supporting social and affordable housing;

(viii) enhancing Union transport infrastructure and contributing to the completion of the trans-European network for transport, in particular on the core and extended core network, while decarbonising and improving connectivity, **multimodality, interoperability,** security and accessibility for remote, peripheral**, cross-border** and less connected areas; support the green and digital transition of transport;

(ix) support for tourism**, natural and cultural heritage**, including sustainability;

(x) supporting ~~efficient water management, quality and resilience,~~ environmental protection, climate adaptation, ~~climate~~**mitigation and** resilience**, including nature-based solutions, efficient water, wastewater and waste management, water quality and resilience,** and enhancing biodiversity, soil quality and natural resources, promoting circularity, bioeconomy and wider resource efficiency, strengthening pollution prevention, **mitigation,** control and remediation, preserving and restoring nature and ~~enhancing biodiversity and natural resources~~**ecosystems**, as well as promoting the New European Bauhaus solutions in the built environment.

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(b) to support the Union's defence capabilities**, resilience, preparedness, civil protection** and security across all regions by:

(i) reinforcing the Union's defence industrial base and military mobility, in particular by developing dual-use TEN-T infrastructure;

(ii) strengthening the Union's preparedness to crises and disasters by mainstreaming the principle of 'preparedness by design';

(iii) strengthening the Union's security by improving threat detection, prevention and response threat detection capabilities, including by strengthening energy and transport critical infrastructure and cybersecurity;

**(ba)** ~~in a manner fully consistent with~~**to support** the objectives set out **in the sectoral Regulations pursuant to Title V of Part Three of the TFEU, as listed below**:

- ~~in~~ Regulation (EU) […] establishing the Union support for asylum migration and integration for the period from 1 January 2028 to 31 December 2034;

- ~~in~~ Regulation (EU) […] establishing the Union support for European integrated border management and European visa policy for the period from 1 January 2028 to 31 December 2034;

- ~~in~~ Regulation (EU) […] establishing the Union support for internal security for the period from 1 January 2028 to 31 December 2034.

(c) to strengthen social cohesion by supporting people and strengthening the Union's societies and the Union's social model **including through social innovation and experimentation** by:

(i) supporting **employment, including youth** employment, equal access to the labour market, fair and quality working conditions and labour mobility;

(ii) enhancing labour supply and improving education**, training** and lifelong acquisition of skills, in particular by promoting upskilling and reskilling;

(iii) promoting equal opportunities for all **and gender equality, combating gender-based violence**, supporting strong social safety nets, fostering social

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inclusion and fighting **discrimination, material deprivation,** poverty and homelessness **with a particular focus on children**, and supporting investment in social infrastructure**, including accessibility for people with disabilities**;

(iv) facilitating access to services and associated infrastructure, including ~~modernization, digitalization~~**modernisation, digitalisation** and strengthening the quality and resilience of healthcare systems, child and long-term care services;

(v) addressing the challenges of demographic change across the EU, which include labour shortages and disparities between generations and regions;

(vi) addressing the social impacts of the inclusion of greenhouse gas emissions from buildings and road transport within the scope of Directive 2003/87/EC.

(d) to sustain the quality of life in the Union by:

(i) supporting fairer and sufficient income for farmers and their long-term competitiveness, including the farmers' position in the value chain;

(ii) contributing to long-term food security**, including by supporting the production of high-quality food and strengthening the resilience of food value chains**;

(iii) improving the attractiveness and living standards~~, including access to healthcare,~~ in rural areas and fair working conditions and fostering generational renewal; improving **fishers', aquaculture producers' and** farmers' preparedness and ability to cope with crises and risks; enhancing the access to knowledge and innovation and accelerating the digital and green transition for a thriving agri-food**, fisheries and aquaculture sectors** ~~sector~~;

(iv) ensuring sustainability, competitiveness and resilience of the Union fisheries and aquaculture sector, boosting the sustainable and competitive blue economy in coastal, island and inland areas, enhancing the socio-economic opportunities and the resilience of the local communities and ensuring strong ocean governance in all dimensions, with safe, secure, clean and sustainably managed ocean;

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(v) enhancing sustainable agriculture and forestry management practices to promote resilient climate action, provision of multiple ecosystem services, supporting efficient water**, wastewater and waste** management, **water** quality and resilience, the implementation of nature-based solutions, strengthening sustainable development, environmental protection, enhancing the conservation and restoration of biodiversity, soil and natural resources, and improving **plant health and** animal **health and** welfare.

(e) to protect and strengthen fundamental rights, democracy**, good governance**, equality, the rule of law and to uphold Union values by:

(i) sustaining and further developing open, rights-based, democratic, equal and inclusive societies, including by building civil society and social partners' capacities to uphold Union values, citizenship education and youth participation;

(ii) promoting and upholding the rule of law**, including** through strengthening justice systems, anti-corruption frameworks, media pluralism, information integrity, media literacy, and effective checks and balances;

(iii) enhancing the efficiency of public administration and the institutional capacity of public authorities and stakeholders at national, regional and local level;

(iv) promoting culture as a catalyst for European values and supporting a vibrant and diverse cultural ~~sector~~**and creative sectors**.

*Article 4*

**Definitions**

For the purposes of this Regulation, the following definitions apply:

(1) 'applicable law' means Union law and the national law directly relating to its application;

(2) 'beneficiary' means:

(a) a public or private law body, an entity with or without legal personality, or a natural person who is not a participant, responsible for initiating or both initiating and

implementing an operation under the NRP Plan ~~and~~**or** the Interreg Plan **chapter** and to whom the document setting out the conditions for support has been provided;

(b) in the context of financial instruments, the body that implements the holding fund or, where there is no holding fund structure, the body that implements the specific fund or, where the managing authority manages the financial instrument, the managing authority;

(c) in the context of the CAP, a farmer who is:

(i) a natural or legal person whose holding is situated in the Union and whose principal activity is agricultural activity in accordance with the criteria defined by the Member States in line with this Regulation; or

(ii) natural person or small legal person, whose principal activity is not agriculture, but who is engaged in at least a minimum level of agricultural activity, as defined by Member States.

(3) 'chapter of the NRP Plan' means a part of the NRP Plan focusing on a specific challenge, sector, policy or geographic area,

(4) 'contractor' means an entity or a natural person with whom the beneficiary or the recipient enters into a contract for the specific purpose of implementing one or more operations or a part thereof;

**(4a) 'intermediate body' means a public or private body which acts under the responsibility of a managing authority, or which carries out functions or tasks on behalf of such an authority;**

(5) 'recipient' means an entity with or without legal personality, or a natural person, who is not a participant, receiving resources from the Union budget through a beneficiary;

(6) 'final recipient' means an entity with or without legal personality or a natural person who is not a participant, receiving support under a financial instrument and who is understood as a recipient for the purposes of Article 38(1) of Regulation (EU, Euratom) 2024/2509;

(7) 'participant' means a natural person benefiting directly from an operation without initiating or implementing the operation;

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(8) ‘operation’ means:

(a) a project~~, contract~~, action or group of projects or ~~group of~~ actions ~~selected in the context of~~ implementing ~~a measure in the Plan~~**one or more activities**;

(b) in the context of financial instruments, a contribution from the NRP Plan and the Interreg Plan to a financial instrument and the subsequent financial support provided to final recipients by that financial instrument;

(c) in the context of the CAP, a payment granted to farmers **or, where applicable, to other beneficiaries** under area- and animal-based CAP income support interventions referred to in Article 35(1) [Types of intervention], points (a) to (g), (o) and (p).

(9) ‘measure’ means a reform, an investment or another intervention at national or sub-national level supported under the NRP Plan or the Interreg Plan**, which may consist of one or more activities**;

**(9a) output-based intervention means an intervention for which the amount of the Union contribution is defined by reference to an output unit value multiplied by the number of outputs achieved;**

(10) ‘milestone’ means a qualitative achievement used to measure progress towards the achievement of a measure;

(11) ‘target’ means a quantitative achievement used to measure progress towards the achievement of a measure;

(12) ‘pay-out value’ means the amount to be paid by the Commission to the Member State for the progress achieved in the implementation of the measures of the **NRP Plan or Interreg Plan chapter**~~Plan~~, taking into account the amounts set aside for reforms;

**(12a) ‘financial instrument’ means a form of support delivered via a structure through which financial products are provided to final recipients;**

**(12b) ‘financial product’ means equity or quasi-equity investments, loans and guarantees as defined in Article 2 of the Financial Regulation;**

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~~(13) 'Agricultural Knowledge and Information system' or 'AKIS' means the combined organisation and knowledge flows between persons, organisations and institutions who use and produce knowledge and innovations for agriculture and interrelated fields referred to in Article 20 of Regulation (EU) 202X/XXXX [CAP Regulation].~~

~~(14) 'organic farming' means organic production system certified in accordance with Regulation (EU) 2018/848 of the European Parliament and of the Council[2];~~

(15) 'holding' means all the units used for agricultural activities and managed by a farmer and situated within the territory of the same Member State, within the territorial scope of the Treaties, as defined in Article 52 TEU in conjunction with Articles 349 and 355 TFEU;

~~(16) 'the smaller Aegean islands' means any islands in the Aegean Sea except the islands of Crete and Evia.~~

(17) 'seals' means Seals of Excellence and Sovereignty Seals granted in the implementation of Union programmes in the 2021 to 2027 programming period and Seals granted under Union programmes implemented in direct management in the 2028-2034 period such as the Competitiveness seal;

(18) 'subcontractor' means a person or entity with whom the contractor has concluded a contract to perform part of a contract for the specific purpose of implementing one or more operations or a part thereof;

(19) 'crisis' means ~~crises~~**a crisis** as defined in Article 2, point (22) of Regulation (EU, Euratom) 2024/2509;

(20) 'pillar assessment' means the assessment referred to in Articles 157(3) and (4) of Regulation (EU, Euratom) 2024/2509;

~~(21) Member States shall further establish in their NRP Plans the definitions of 'agricultural activity', 'agricultural area', 'eligible hectare', and 'young farmer' in accordance with objective and non-discriminatory criteria and the principle of proportionality.~~

~~[2] Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150 14.6.2018, p. 1).~~

~~(a) 'agricultural activity' shall be determined through one or both of the following activities:~~

~~(i) production of agricultural products, which consists of all activities aimed at obtaining those products; where agricultural products means products listed in Annex I to the TFEU, with the exception of fishery products, as well as cotton and short rotation coppice;~~

~~(ii) maintenance of agricultural areas, which consists of the activities aiming at keeping the land in a state suitable for grazing or cultivation, where duly justified for animal welfare or environmental reasons, extensive grazing of an agricultural area that does not result in an increase of agricultural production for the farmers concerned may also be considered 'maintenance'.~~

~~(b) 'agricultural area' shall be defined in such a way as to comprise only land which is used for agricultural activities, including when it forms agroforestry systems.~~

~~(c) 'eligible hectare' shall be defined in such a way as to comprise only areas which are at the farmers' disposal and which comprise:~~

~~(i) agricultural areas on which an agricultural activity is performed under the farmer's control in terms of management, benefits and financial risks. If non-agricultural activities are also performed on these areas, the agricultural activity shall be predominant.~~

~~(ii) areas for which support is provided under Article 35(1) points (a) and (g) [degressive income support, small farmers] of this Regulation, or under the basic income support for sustainability under Title III, Chapter II, Section 2, Subsection 2, [BISS [all incl. entitlements], small farmers scheme], of Regulation (EU) 2021/2115, where agricultural activity is not performed due to commitments and obligations arising from Union or national interventions or other programmes which contribute to the environmental and climate-related CAP specific objectives~~

~~(iii) Member States may decide to include in the notion of 'eligible hectare' landscape features, not covered by the commitments and schemes referred to in point (ii), provided that these landscape features do not significantly hamper~~

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~~the performance of agricultural activity and are not predominant on the agricultural parcel~~

~~(d) 'young farmer' shall be defined in such a way as to fulfil at least the following conditions:~~

~~(i) an upper age limit set between 35 years and 40 years;~~

~~(ii) being 'head of the holding'.~~

~~Where a farmer is deemed to fall within the definition of 'young farmer' at the moment of first access to support, that status shall be maintained for the full duration of the period of eligibility established under the relevant support scheme, irrespective of the farmer subsequently exceeding the upper age limit.~~

~~(22) 'new farmer' shall be determined in such a way as to refer to a farmer other than a young farmer and who is head of the holding for the first time.~~

(23) 'public expenditure' for the purposes of the CAP **and the CFP**, means any contribution to the financing of operations the source of which is the budget of the national, regional and local public authorities, the budget of the Union made available to the Fund, the budget of public law bodies or the budget of associations of public authorities or public law bodies;

**(23a) 'national contribution' means national private contribution and national public contribution other than the contribution from the Union budget made available to the Fund, except however for the purposes of Article 35(1), where 'national contribution' shall only include national public contribution;**

(24) 'support rate' for the purposes of the CAP **and the CFP**, means the rate of public expenditure to an operation; in the context of financial instruments it refers to the gross grant equivalent of the support as defined in Article 2, point (~~20~~**30**) of Commission Regulation (EU) ~~No 702/2014~~**2022/2472**;

(25) 'small-scale coastal fishing' means fishing activities carried out by:

(a) marine and inland fishing vessels of an overall length of less than 12 metres and not using towed gear as defined in Article 2, point (1) of Council Regulation (EC) No 1967/2006 [(28)]; or

(b) fishers on foot, including shellfish gatherers;

(26) 'fisher' means any natural **or legal** person engaging in commercial fishing activities, as recognised by the Member State concerned;

~~(27) 'fishing' means any natural person engaging in commercial fishing activities, as recognised by the Member State concerned;~~

(28) 'sustainable blue economy' means all sectoral and cross-sectoral economic activities throughout the internal market relating to ocean, seas, coasts and inland waters, covering the Union's insular and outermost regions and landlocked countries, including emerging sectors and non-market goods and services, aimed at ensuring environmental, social and economic sustainability in the long term and which are consistent with the SDGs, and in particular SDG 14, and with Union environmental legislation;

(29) '**integrated** maritime policy' means Union policy that aims to foster integrated and coherent decision making to maximise the sustainable development, economic growth and social cohesion of the Union, particularly of the coastal and insular areas and of the outermost regions, and of the sustainable blue economy sectors, through coherent maritime-related policies and relevant international cooperation;

(30) 'maritime security and surveillance' means activities carried out in order to understand, prevent wherever applicable and manage in a comprehensive way all the events and actions related to the maritime domain which would impact the areas of maritime safety and security, law enforcement, defence, border control, protection of the marine environment, fisheries control, trade and economic interest of the Union;

(31) 'European marine observation and data network' or 'EMODnet' means a partnership assembling marine data and metadata in order to make those fragmented resources more available and usable by public and private users by offering quality-assured, interoperable and harmonised marine data;

(32) 'maritime spatial planning' means a process by which the relevant Member State's authorities analyse and organise human activities in marine areas to achieve ecological, economic and social objectives;

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(33) ‘ocean observation’ means the foundation of all marine knowledge. It forms the basis of understanding of marine ecosystems and factors that influence them. It provides critical data for weather forecasting, climate change mitigation and adaptation strategies, extreme events monitoring, civil security – sea condition, floods-, maritime shipping, offshore energy, fisheries and aquaculture and increasingly security and defence. It creates the foundation for evidence-based decision-making and it provides crucial information on how human activities influence ocean health and what services the ocean provides to societies.

(34) ‘irregularity’ means any breach of applicable law, which has, or would have, the effect of prejudicing the budget of the Union by receiving unjustified reimbursement based on milestones, targets and outputs to that budget;

**(34a) ‘serious non-compliance’ means a deficiency in the effective functioning of the management and control system for which significant improvements are required and where any of the key requirements referred to in Annex IV are assessed as non-compliant into categories 3 and 4 of [Annex IV – Classification of management and control systems].**

(35) ‘holding fund’ means a funds set up under the responsibility of a managing authority under one or more chapters of the **NRP Plan or under Interreg Plan chapters**~~Plan~~;

(36) ‘specific fund’ means a fund through which a managing authority or a holding fund provides financial products to final recipients;

(37) ‘body implementing a financial instrument’ means a body, governed by public or private law, carrying out tasks of a holding fund or specific fund.

(38) **[**‘less developed regions’ means regions whose GDP per capita is less than 75 % of the average GDP per capita of the EU-27 (‘less developed regions’);**]**

(39) **[**‘transition regions’ means regions whose GDP per capita is between 75 % and 100 % of the average GDP per capita of the EU-27 (‘transition regions’);**]**

(40) **[**‘more developed regions’ means regions whose GDP per capita is above 100 % of the average GDP per capita of the EU-27 (‘more developed regions’). **]**

**(40a) 'aquaculture' means the rearing or cultivation of aquatic organisms using techniques designed to increase the production of the organisms in question beyond the natural**

**capacity of the environment, where the organisms remain the property of a natural or legal person throughout the rearing and culture stage, up to and including harvesting;**

**[**The classification of regions under one of the three categories of region shall be determined on the basis of how the GDP per capita of each region, measured in purchasing power standards (PPS) and calculated on the basis of Union figures for the period 2021-2023, relates to the average GDP per capita of the EU-27 for the same reference period.**]**

The Commission shall adopt a decision, by means of implementing act, setting out the list of regions fulfilling the criteria of one of the three categories of region set out in points ~~38 to 40~~**39 to 41** and of Member States fulfilling the criteria set out in paragraph 2(a) of Article 22. **[**That list shall be valid from 1 January 2028 to 31 December 2034.**]**

# TITLE II
# FINANCIAL FRAMEWORK

## CHAPTER 1
## Common provisions

*[Article 10*

**Budget**

1. The financial envelope for the implementation of the Fund for the period from 1 January 2028 to December 2034 shall be EUR 865 076 000 000 in current prices.

2. The financial envelope shall be allocated as follows:

   (a) EUR 782 879 000 000 shall be allocated to the NRP Plans referred to in Title III in accordance with Annex I [Allocation key], of which:

      (i) At least EUR 217 798 000 000 for less developed regions by establishing minimum amounts per Member State based on the methodology set out in Annex II;

(ii) At least EUR 295 700 000 000 for CAP interventions referred to in Article 35(1) [types of support], paragraph 1, points (a) to (k) and (r) and paragraph 10 and for interventions listed in article 35 paragraph 11;

(iii) At least EUR 34 215 510 000 as follows: EUR 11 975 428 500 as set out in Article 4 of Regulation (EU) 202X/XXX [establishing the Union support for asylum, migration and integration for the period from 2028 to 2034], EUR 15 396 750 000 as set out in Article 4 of Regulation (EU) 202X/XXX [Establishing the Union support for the Schengen area, for European integrated border management and for the common policy on visas for the period from 2028 to 2034] and EUR 6 843 331 500 as set out in Article 4 of Regulation (EU) 202X/XXX [establishing the Union support for internal security for the period from 2028-2034] for the objectives set out in Article 3 of those Regulations.

(b) EUR 71 933 000 000 shall be allocated to the Facility referred to in Title IV;

(c) EUR 10 264 000 000 shall be allocated to the Interreg Plan referred to in Chapter II of Regulation XX [Regional development, Interreg Plan];

(d) Up to 0.5% of the financial envelope shall be allocated to technical assistance at the initiative of the Commission, as referred to in Article 12 [technical assistance].

3. In addition to the allocation set out in the second paragraph, point (a), the Union financial contribution shall include EUR 50 100 000 000 from the amounts for the Social Climate Fund set out in Article 30d(4), fourth subparagraph, points (c) to (g) of Directive 2003/87/EC to be implemented under the Plans, in accordance with the distribution set out in Annex II to Regulation (EU) 2023/955. This amount shall constitute external assigned revenue within the meaning of Article 21(5) of Regulation (EU, Euratom) 2024/2509.

4. An amount of EUR 150 000 000 000 of loan support shall be available to Member States for the implementation of their Plans.

5. At least 14 % of the financial envelope referred to in paragraph 2 and of the amount referred to in paragraph 4 shall be dedicated to meeting the Union's social objectives, calculated by using the coefficients referred to in Article 6(1) of Regulation (EU) [Performance Regulation]. The amount set out in paragraph 2, point (a) letter (ii), as well

as the external assigned revenue from the Social Climate Fund, shall be excluded from the basis for the calculation of this minimum allocation.

6. The Commission shall adopt an implementing act to establish the maximum amount to be allocated per Member State by applying the methodology set out in Annex I, with regard to the objectives referred to in Article 2 and 3. **]**

*Article 11*

**Additional resources and use of resources**

1. Member States, Union institutions, bodies and agencies, third countries, international organisations, international financial institutions, or other third parties, may make additional contributions to the Fund. Additional financial contributions shall constitute external assigned revenue within the meaning of Article 21(2), points (a), (d), or (e) or Article 21(5) of Regulation (EU, Euratom) 2024/2509.

2. **[**For the purpose of implementing a measure under their NRP Plan, Member States may propose to include in their NRP Plan, as estimated costs, the amounts of financial contributions to be made by Member States to Union programmes or instruments implementing policies aligned to the objectives of the NRP Plan for the purposes of implementing the measure through those programmes or instruments. Such contributions may also be made to the provisioning of the budgetary guarantee, to the financing of the financial instrument or to any amounts of non-repayable support when combined with the budgetary guarantee or the financial instrument in a blending operation, under the [ECF InvestEU Instrument]. The measure shall comply with the requirements of this Regulation. Where such amounts contribute to the provisioning of the budgetary guarantee under [ECF InvestEU Instrument], they shall, where relevant, be complemented by a back-to-back guarantee from the Member State covering the non-provisioned contingent liability.**]**

3. Member States may at the time of submission of their initial **NRP** Plan, or with any request for amendment, request to reallocate part of the amount set out in Article 4 of Regulation (EU) XX (MIGRATION), Article 4 of Regulation (EU) XX (BORDERS) and Article 4 of Regulation (EU) XX (SECURITY) to implement objectives set out in another of those Regulations. The Commission shall only object to a request for reallocation where such

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reallocation would affect the amended **NRP** Plan's compliance with the requirements of Article 22 set out in this Regulation.

*Article 12*

**Technical assistance at the initiative of the Commission**

1. At the initiative of the Commission, the Fund may support technical and administrative assistance for the implementation of the ~~Plan~~**NRP Plans** and the Interreg Plan **chapters**, such as preparatory, monitoring, control, audit and evaluation activities, corporate information technology systems and platforms, information and communication**, as well as capacity building** activities, including through the set-up of EU-wide networks of Member States' **and their regional** authorities and other relevant stakeholders, corporate communication on the political priorities of the Union, and all other technical and administrative assistance or staff-related expenses incurred by the Commission for the management of the Fund, and where appropriate with third countries.

2. The Fund shall ~~also~~ support all other technical and administrative assistance required to implement and manage the Common Agricultural Policy and Common Fisheries Policy, including fisheries control and enforcement measures, market controls, collection or purchase of data, including satellite data, geo-spatial data and meteorological data, monitoring of resources, development and maintenance of electronic certification of organic products and related corporate information technology systems, development, registration and protection of the indications, abbreviations and symbols referring to– the Union quality schemes and contributions under international agreements.

3. The actions referred to in paragraph 1 **and 2** may cover previous and subsequent programming periods.

4. The Commission shall adopt a financing decision when a contribution from this Fund is envisaged in accordance with Article 110 of Regulation (EU, Euratom) 2024/2509.

5. Depending on the purpose, the actions referred to in this Article may be financed either as operational or administrative expenditure.

6. In accordance with Article 196(2), second subparagraph, point (a), of Regulation (EU, Euratom) 2024/2509, in duly justified cases specified in the financing decision and for a

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limited period, technical assistance actions at the initiative of the Commission supported under this Regulation in direct management and the underlying costs may be considered to be eligible from 1 January 2028, even if these actions were implemented and incurred before the grant application was submitted.

*Article 13*

**Technical assistance at the initiative of the Member State**

1. At the initiative of a Member State, the Fund may support actions, which may **also** concern previous and subsequent programming periods, necessary for the effective implementation **and coordination** of the Fund, including **but not limited** to provide financing for carrying out, amongst other, functions such as preparation, training, management, monitoring, **audit and control,** evaluation, information, visibility and communication**, as well as capacity building for partners involved in the implementation according to Article 6, including related staff costs**.

2. Technical assistance to each NRP Plan ~~and each Interreg Plan chapter~~ shall be established as a flat rate of up to ~~3% and 8% respectively~~**3,5 % for the NRP Plan as a whole, without prejudice to Member States' prerogative to allocate these amounts across the chapters of the NRP Plan, and up to 8% for each Interreg Plan chapter**, applied to the amount included in each payment application pursuant to Article 65 [payment applications]. The flat rate shall be 10% for the Interreg Plan chapters supporting outermost **regions'** cooperation and cooperation on external borders. **The technical assistance shall be paid on top of the amount disbursed for milestones, targets and outputs. The technical assistance shall be paid on top of the amount disbursed for milestones, targets and outputs.**

~~3. In the event of a reduction of the Union financial contribution, including due to de-commitment or a financial correction, the Member State shall, at the closure of the NRP Plan, return to the Union budget any resources paid for technical assistance in accordance with paragraph 1 which exceed the percentage of the Union financial contribution set out in paragraph 2.~~

4. The Member States shall ensure that the amounts paid by the Commission for **technical assistance for** the NRP Plans are distributed in a balanced ~~and proportionate~~ manner

across all the chapters of the **NRP** Plan to promote all supported objectives**, in accordance with their institutional and administrative framework**.

5. The Member States may request **additional** support **from the relevant action of the EU Facility** to prepare reforms included in their NRP Plans**, in addition to the flat rate**.

# CHAPTER 2
# Support under the Plans

*[Article 14*

**Budgetary commitments**

1. The budgetary commitments of the Union of the financial allocation of each Plan shall be made by the Commission in annual instalments in accordance with Article 112(2) of Regulation (EU, Euratom) 2024/2509 during the period between 1 January 2028 and 31 December 2034 as follows (rounded):

   (a) 15.8% in 2028;

   (b) 15.5% in 2029;

   (c) 15.1% in 2030;

   (d) 14.8% in 2031;

   (e) 14.4% in 2032;

   (f) 12.8% in 2033;

   (g) 11.7% in 2034.

2. A flexibility amount, corresponding to 25% of the Union financial contribution of a Member State as set out in Annex I [allocation method], shall only be available for programming as follows:

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(a) Up to one fifth may be requested by a Member State in accordance with Article 34 (Amendment of the plan in case of crisis situations), with the remaining amount to be programmed in accordance with Article 25 (mid-term review);

(b) three fifths may be requested by a Member State in accordance with Article 25 [midterm review] of which a part may be requested before the mid-term review in duly justified and exceptional circumstances;

(c) one fifth may only be requested by the Member State as of 2031, in accordance with Article 34 (Amendment of the plan in case of crisis situations). As of 30 June 2033, any unprogrammed amount shall be available for programming for any amendment of the Plan.

The part of the financial contribution allocated to interventions referred to in Article 35(1) points (a) to (h), (j), (k) and (r) [types of intervention] shall not be counted towards the flexibility amount.

For the flexibility amount, the time limit set out in Article 15(1) shall only start when amounts are programmed in accordance with points (a), (b), and (c).

This paragraph does not apply to the Union financial contribution of a Member State to the Interreg Plan. **]**

*Article 15*

**Decommitments**

1. **[**The Commission shall decommit any amount in an NRP Plan and the Interreg Plan chapter which has not been used for pre-financing, in accordance with Article 17 [pre-financing] or for which a payment application has not been submitted in accordance with Articles 65 [submission and assessment of payment applications], by 31 October of the calendar year following the year of the budgetary commitments. **]**

2. The amount concerned by decommitment shall be reduced by the amounts equivalent to that part of the budgetary commitment for which:

(a) the operations are suspended by a legal proceeding or by an administrative appeal having suspensory effect; or

(b) it has not been possible to make a payment application for reasons of force majeure seriously affecting implementation of all or part of the NRP Plan or the Interreg Plan chapter.

The national authorities claiming force majeure as referred to in the first subparagraph, point (b), shall demonstrate the direct consequences of the force majeure on the implementation of all or part of the ~~NRP Plan or the Interreg Plan chapter~~**Plan**.

3. By 31 January, the Member State shall send to the Commission information on the exceptions referred to in paragraph 2, first subparagraph points (a) and (b) for the ~~amount~~**amounts** to be declared by 31 ~~December~~**October** of the preceding year.

4. **[**The appropriations corresponding to decommitments in accordance with Article 7(3) of Regulation (EU, Euratom) 2020/2092 and Articles 8 [Charter] and 9 [RoL horizonal condition] of this Regulation may be made available again for use under other Union instruments or programmes implemented under direct or indirect management, in particular those contributing to supporting Europe's democracy, civil society, Union values or the fight against corruption.**]**

5. This Article shall not apply to amounts made available as externally assigned revenue and paragraphs 1 to 3 shall not apply to interventions listed in Article 35(1), **points** (a) to (g) [types of intervention].

*Article 16*

**Procedure for decommitment**

1. On the basis of the information it has received as of 31 January, the Commission shall inform the Member State of the amount of the decommitment.

2. The Member State shall have two months from the Commission's information referred to in paragraph 1 to agree to the amount to be decommitted or to submit its observations.

3. Where the decommitment concerns amounts committed under the NRP Plan, the Member State shall submit to the Commission a request for an amendment of the NRP Plan by 30 June reflecting~~,~~ the reduced amount of support. The ~~amounts concerned by the decommitment and the corresponding reduction~~**reduced amount** shall be distributed in the

NRP Plan ~~based on~~**taking into account** the progress achieved in implementing measures across the chapters of the NRP Plan.

4. For the Interreg Plan, financial commitments shall be made at the level of the chapter. Where the decommitment concerns amounts committed under an Interreg chapter, the Member State hosting the managing authority shall submit to the Commission a request for an amendment of the Interreg chapter by 30 June reflecting the reduced amount of support.

**4a. Following the decommitment procedure set out in this Article, a revised financing decision, as set out in Article 23(7), shall be adopted by the Commission. The Council shall be informed of the amended NRP Plan. The amendment of the Council implementing decision laid down in Article 23(1) shall only be required where a subsequent amendment of the Plan requires such decision in accordance with Article 24(5). For the Interreg Plan chapter, the Commission shall adopt an implementing act in accordance with Article 9 of the ERDF Regulation].**

5. In the absence of a submission referred to in paragraphs 3 and 4, the Commission shall reduce the contribution from the Fund for the calendar year concerned, no later than 31 October in accordance with those paragraphs. **For the NRP Plan, the reduced amount shall be distributed in the NRP Plan taking into account the progress achieved in implementing measures in the chapters of the NRP Plan.**

**For the Interreg Plan, as a result of decommitment, only the amounts of the concerned Interreg Plan chapter shall be reduced.**

~~6. Following the decommitment procedure set in this Article, the Commission shall make a proposal for a new Council implementing decision approving the NRP Plan in accordance with Article 23 reflecting the amounts concerned by the decommitment.~~

*Article 17*

**Pre-financing**

1. Subject to the adoption by the Council of the implementing decision referred to in Article 23 and to the availability of funds, the Commission shall make a pre-financing payment. The amount of pre-financing shall be ~~10%~~**[10]%** of the Union financial allocation referred to in Article 14 [budgetary commitments] and shall be paid in tranches over **[**three**]**

consecutive years, as follows: ~~4%~~**[4]%** in 2028, ~~3%~~**[3]%** in 2029, and ~~3%~~**[3]%** in 2030. Where the implementing decision is adopted by the Council after 31 July 2028, only the tranches of 2029 and 2030 shall be paid.

2. The Commission shall pay a pre-financing of an amount of ~~12%~~**[12]%** of the Union financial contribution from the Fund to each Interreg Plan chapter, as set out in the implementing act approving the Interreg Plan chapter pursuant to Article 8 of Regulation XX [Regional development, Interreg Plan], subject to available funds. That amount shall be paid in **[**three**]** equal tranches of ~~4% over~~ **[4]% over [**three**]** consecutive years.

Where an Interreg Plan chapter receives support from the Global Europe Instrument, specific rules for pre-financing derogating from this paragraph may be established in the implementing act referred to in paragraph 1 of Article 8 of Regulation XX [Regional development, Interreg Plan] [Approval and amendment of the Interreg Plan]~~.~~

3. The amounts paid as pre-financing shall be cleared from the Commission accounts at the latest upon reception of the annual assurance package for the last year of implementation.

***[****Article 18*

**Request for a loan support**

1. The request for loan support by a Member State shall set out the following:

   (a) the amount of the requested loan support;

   (b) the measures in accordance with Article 21 [Preparation and submission of the Plan] to be financed by the loan support;

   (c) the financial needs linked to the measures referred to in point (b);

   (d) an explanation why the estimated cost of the NRP Plan is higher than the total of the Union financial contribution, taking into account the national contribution.

2. The loan support shall not be higher than the difference between the total estimated costs of the Plan, as revised where relevant, and the total of the Union financial contribution and the national contribution.

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3. The Member States shall submit to the Commission the request for loan support by 31 January 2028.

4. The Commission shall allocate the amounts of loan support referred to in Article 10(4) to the Member States while taking into account the principles of equal treatment, solidarity, proportionality and transparency. The share of loans granted to the three Member States representing the largest share of the loans granted shall not exceed 60 per cent of the maximum amount referred to in Article 10(4).

Where, following the allocation of loans referred to in paragraph 3, amounts remain available for loan support, the Commission may publish new calls for expressions of interest for loan support. In such a case, the procedure set out in paragraphs 1 to 5 of this Article and Article 19 shall apply mutatis mutandis.

5. The loan shall be paid subject to the fulfilment of milestones and targets in accordance with Article 65 [payment application].

6. The Commission shall assess the request for loan support in accordance with Article 23 [Commission proposal and Council implementing decision].**]**

***[****Article 19*

**Loan agreement and borrowing and lending operations**

1. In order to finance support under the Plan in the form of loans, the Commission shall be empowered, on behalf of the Union, to borrow the necessary funds on the capital markets or from financial institutions in accordance with Article 224 of Regulation (EU, Euratom) 2024/2509.

2. Upon adoption of the Council implementing decision referred to in Article 23 [Commission proposal and Council implementing decision], the Commission shall enter into a loan agreement with the Member State. In addition to the elements laid down in Article 223(4) of Regulation (EU, Euratom) 2024/2509, the loan agreement shall lay down the maximum loan amount, the availability period, the maximum duration of each disbursement of the loan and the detailed terms and conditions of the support. Such agreements may also contain the amount of the pre-financing and rules on clearing of pre-financing **]**

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*Article 20*

**National contribution to estimated costs**

1. The minimum national contribution rate to the estimated costs of a measure of the **NRP** Plan shall not be lower than:

   (a) ~~15%~~**[15]%** for less developed regions;

   (b) ~~40%~~**[40]%** for transition regions;

   (c) ~~60%~~**[60]%** for more developed regions.

2. **[**Where for a given measure, it is not possible to determine the proportion of implementation in ~~less developed regions~~**a given category of region**, the national contribution rate to the estimated costs shall not be lower than the population weighted average of the applicable contribution rates of its regions laid down in paragraph 1.**]**

3. The national contribution rate at the level of each Interreg chapter shall be no lower than ~~20%~~**[20]%**. The rate shall be decreased by [**[5]**~~5~~] percentage points for chapters supporting outermost regions' cooperation and ~~cross-border~~ cooperation on external borders.

4. **[**No national contribution shall be requested for interventions referred to in Article ~~35~~**35(1)**, points (a), (b), (c) and (g). No additional national financing shall be provided for those interventions.**]** Any contribution rate derogating from those of paragraph 1 set out for interventions referred to in Title V, including where no national contributions are requested, shall only apply to a total amount of interventions not exceeding the **sum of the** Member State's share of the amount set out in Article 10(2), point (a)(ii), as laid down in Annex I **and any additional amount programmed in accordance with the second sub-paragraph of Article 14(2)(b) towards interventions referred to in Article 35(1)(a), (b), (c) and (g)**.

**5. For interventions in the area of Home Affairs related to resettlement and humanitarian admission, transfer of applicants for international protection and special transit scheme, and ETIAS operational costs, as well as financial contributions from the Annual Solidarity Pool, no national contribution shall be required. For other interventions in the area of Home Affairs, the baseline for Union co-financing will not be higher than [X]%.**

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# TITLE III
# NATIONAL AND REGIONAL PARTNERSHIP PLANS

## CHAPTER 1
## Preparation and adoption of the NRP Plan

*Article 21*

**Preparation and submission of the NRP Plan**

1. **[**Each Member State shall prepare and submit to the Commission the NRP Plan setting out their agenda of reforms, investments and other interventions. Each **NRP** Plan shall comprise measures which form a comprehensive and coherent package.**]** The Member State shall make the **NRP** Plan submitted to the Commission publicly available ~~on the website referred to in Article 64 [Transparency]~~.

2. Each Member State shall prepare and implement the **NRP** Plan in **accordance with the principles of** partnership ~~with partners~~**and multi-level governance** as set out in Article 6 [Partnership **and multi-level governance**], including regional and local authorities~~, and in accordance with their institutional, legal and financial framework~~. **[The NRP**~~The~~ Plan shall include national, sectoral and, where relevant, regional and territorial chapters.**]** **Regional and local authorities shall be involved in the preparation, implementation and evaluation of the NRP Plan, including of the respective regional chapters where appropriate, in accordance with the Member State's institutional, legal and financial framework.**

3. Only measures whose implementation started ~~from~~**as of** 1 January 2028**, or the second phases of measures as referred to in Article 79,** shall be eligible for financing provided that they comply with the requirements set out in this Regulation and Regulations listed in Article 1 paragraph ~~1~~**2, without prejudice to Article 80(2)**.

By way of derogation from the first subparagraph, expenditure related to legal commitments to beneficiaries incurred under the interventions financed under Regulation (EU) 2021/2115**, Regulation (EC) No 1257/1999, Regulation (EC) No 1698/2005, Regulation (EU)**

**No 1305/2013 and Regulation (EU) No 1308/2013** may be eligible for contribution, provided such expenditure is ~~provided~~**included** in the relevant NRP Plan in accordance with this Regulation ~~and~~**,** Regulation (EU) 202X/XXXX [CAP Regulation] **and Regulation (EU) 202X/XXXX [CMO Regulation]** .

*Article 22*

**Requirements for the NRP Plan**

1. Each NRP Plan ~~shall be duly reasoned and substantiated and~~ shall set out the elements referred to in paragraph 2 of this Article, in accordance with the template set out in Annex V.

2. The NRP Plan shall:

   (a) support the general objectives laid down in Article 2 ~~and contribute in a comprehensive and adequate manner to all~~**by contributing to each of** the specific objectives laid down in Article ~~3~~**3(1)(a) to (e). For that purpose, the NRP Plan shall contribute to the specific objectives laid down in subparagraphs of article 3(1)(a) to (e) which are relevant to the Member State**, taking into account the specific **needs and** challenges of the Member State **and regions** concerned~~, and~~**. The NRP Plan shall** provide an intervention strategy demonstrating how those objectives will be addressed and financed by the **NRP** Plan, what level of financing is needed to ensure achievement of the general objectives, and how that level of financing is justified.– The NRP ~~Plan~~**Plans** of Member ~~State~~**States** with a per capita GNI of less than 90 % of the Union average shall ~~in particular~~ demonstrate ~~that it contributes in an adequate manner to~~**how they address** the specific objectives set out in Article ~~3(a)~~**3(1)(a)**, points (~~vii~~**viii**) and ~~(ix)~~**(x)**, and Article ~~3(d)~~**3(1)(d)**, point (v).

   (b) **[**effectively address all or a significant subset of challenges identified:

      (i) in the context of the European Semester, in particular in the relevant country-specific recommendations addressed to the Member State, including those related to the European Pillar of Social Rights;

      (ii) in other relevant documents officially adopted or assessed by the Commission related to the objectives laid down in Article 3 [specific objectives], including

CAP national recommendations laid down in Article 2 of Regulation (EU) 202X/XXXX [CAP Regulation], Digital Decade recommendations based on Article 6 of the Decision establishing the Digital Decade Policy Programme, and National Energy and Climate Plans;

(iii) in relevant documents and strategies adopted by the Council or the Commission in the field of internal security, European integrated border management, visa policy and asylum and migration, taking into account the Schengen IT architecture, the Schengen evaluation mechanism in accordance with Regulation (EU) 2022/922, vulnerability assessments in accordance with Regulation (EU) 2019/1896 and the European Union Agency for Asylum monitoring mechanism in accordance with Regulation (EU) 2021/2303.**]**

**2a.** The Member State shall provide an explanation on how the **general and specific objectives, the specific needs and** challenges and **relevant** country-specific recommendations are addressed by the NRP Plan**. When assessing these requirements, the Commission shall take into account the principles of equal treatment and proportionality, including the size of the financial allocation of the Member State concerned and whether the relevant country-specific recommendations are addressed in other national plans or documents adopted at the EU** ~~and what~~ level ~~of financing is envisaged and how the NRP Plan will:~~**.**

**2b. Furthermore, the NRP Plan shall:**

(a) be consistent~~, in particular,~~ with the national medium-term fiscal structural plans under Regulation (EU) 2024/1263, national restoration plans under Regulation (EU) 2024/1991 of the European Parliament and of the Council[3], National Energy and Climate Plans under Regulation (EU) 2018/1999 of the European Parliament and of

[3] Regulation (EU) 2024/1991 of the European Parliament and of the Council of 24 June 2024 on nature restoration and amending Regulation (EU) 2022/869 (OJ L, 2024/1991, 29.7.2024, ELI: http://data.europa.eu/eli/reg/2024/1991/oj).

the Council[4]; and national digital decade strategic roadmaps under Decision (EU) 2022/2481 of the European Parliament and of the Council[5];

(b) contribute to the completion of the Single Market, notably by providing for measures with a cross-border, transnational or multi-country dimension, including by taking into account projects located on the core and the extended core network as defined in Regulation (EU) 2024/1679 of the European Parliament and of the Council[6]**,** by taking into account and enabling, through national network developments, projects of common interest as defined in Regulation (EU) 2022/869 of the European Parliament and of the Council[7], and by supporting Important Projects of Common European Interest (IPCEIs) and operations that have been awarded a ~~Competitiveness~~ Seal, and by implementing measures underpinning the Savings and Investments Union;

(c) **[**provide the list and description of measures grouped in chapters, including the general and specific objectives that each of them primarily pursues and the list of envisaged milestones and targets, with their indicative completion date during the programming period, including the additional measures and related milestones and targets in case the Member State concerned requests loan support.~~ Measures linked to the CAP~~**]** **The reforms to be included in the**

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4 Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/1999/oj).

5 Decision (EU) 2022/2481 of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (OJ L 323, 19.12.2022, p. 4, ELI: http://data.europa.eu/eli/dec/2022/2481/oj).

6 Regulation (EU) 2024/1679 of the European Parliament and of the Council of 13 June 2024 on Union guidelines for the development of the trans-European transport network, amending Regulations (EU) 2021/1153 and (EU) No 913/2010 and repealing Regulation (EU) No 1315/2013 (OJ L, 2024/1679, 28.6.2024, ELI: http://data.europa.eu/eli/reg/2024/1679/oj).

7 Regulation (EU) 2022/869 of the European Parliament and of the Council of 30 May 2022 on guidelines for trans-European energy infrastructure, amending Regulations (EC) No 715/2009, (EU) 2019/942 and (EU) 2019/943 and Directives 2009/73/EC and (EU) 2019/944, and repealing Regulation (EU) No 347/2013 (OJ L 152, 3.6.2022, p. 45, ELI: http://data.europa.eu/eli/reg/2022/869/oj).

**NRP Plan** shall ~~comply with the requirements set out in Title V [CAP] and Regulation (EU) 202X/XXXX [CAP Regulation] and Regulation (EU) 202X/XXXX [CMO] and those linked to the Common Fisheries Policy with~~**respect the institutional and legal framework of the Member State concerned. Without prejudice to** the requirements set out in **this** Article ~~XX of Regulation XX [CFP]~~**, the Member State may decide to set aside the payout values for reforms either from investments and other interventions programmed at the same national or regional governance level**. The indicators proposed for the targets shall be based on the output indicators listed in Annex I to Regulation (EU) 202X/XXXX [Performance Regulation] ~~except where duly justified;~~**, unless none of those indicators are adequate, in accordance with Article 14 (2) of Regulation (EU) 202X/XXXX [Performance Regulation].**

**Measures linked to the CAP shall comply with the requirements set out in Title V [CAP] of this Regulation and Regulation (EU) 202X/XXXX [CAP Regulation] and Regulation (EU) 202X/XXXX [CMO] and those linked to the Common Fisheries Policy with the requirements set out in Article XX of Regulation XX [CFP].**

(d) set out the total estimated costs of the measures in accordance with the template set out in Annex V, as part of the **NRP** Plan or of a request for its amendment, for a total amount at least equivalent to the sum of the Union financial contribution **excluding technical assistance**, any requested loans, and national contribution, together with information on existing or planned Union financing where relevant, backed up by appropriate justification and by explanations of how it is plausible and reasonable and in line with the principle of cost efficiency, sound financial management and commensurate to the expected economic and social impact. The non-programmed amount set aside as flexibility amount shall be considered as part of the total estimated costs of the measures;

(e) set out ~~clear~~ arrangements for the effective **coordination,** monitoring ~~and~~**,** implementation **and audit** of the **NRP** Plan by the Member State concerned, including the responsible authorities and monitoring committees reflecting the

objective of establishing a robust multi governance system based on the partnership principle, the envisaged approach to **information,** communication and visibility, an identification of potential technical support needs, as well as ~~clear and effective~~ arrangements between the national and regional authorities in terms of responsibilities for **coordination,** programming, implementation, financial management, monitoring**, audit** and evaluation, in accordance with the institutional and legal framework of the Member State;

(f) **aim to** reduce economic, social and territorial disparities in **and between** less developed, transition and more developed regions, in particular by:

(i) allocating resources to less developed, transition and more developed regions, in accordance with their specific challenges, to be reported in Annex V based on methodology set out in Annex VII;

(ii) concentrate resources on less developed regions by establishing minimum amounts per Member State based on methodology set out in Annex II;

(iii) focusing on the specific needs of border regions, northern sparsely populated regions, rural and urban areas, areas affected by industrial transition, islands, to be reported in Annex V based on methodology set out in Annex VII;

(iv) strengthening the economic and social development of outermost regions**, taking into account their remoteness, insularity, size, economic dependence and vulnerability to climate change**; to be set out in dedicated measures for the territories concerned in accordance with Article 46 **[Outermost regions]**;

**(iva) strengthening competitiveness and innovation capacities for sustainable growth and employment based on the specific needs of regions, including by making use of smart specialisation strategies and just transition strategies.**

(g) concentrate resources on:

(i) supporting generational renewal in the agricultural sector, in accordance with Article ~~8~~**15** of Regulation XX [CAP, generational renewal], as well as in the fisheries and aquaculture sector;

(ii) social measures in accordance with Annex VI [social allocations].

(iii) supporting **the implementation of the CFP,** fisheries~~,~~ **and** aquaculture ~~and maritime~~ activities, including small scale fishing~~, the implementation of the CFP as~~ set out in Regulation EU XX [CFP]**,** as well as **supporting the implementation of the Union control system and the collection, management and use of scientific data necessary for the implementation of the CFP**~~the European Ocean Pact~~ in accordance with Annex V**, point 1.8 [NRP** ~~[~~Plan's template]~~.~~**;**

**(iiia) supporting maritime activities and the European Ocean Pact in accordance with Annex V [NRP Plan's template].**

(h) effectively contribute to:

(i) promoting the use of cooperation ~~interventions~~**initiatives** as referred to in Article 74 [cooperation ~~interventions~~**initiatives**], including integrated territorial investment in cities, urban, rural and coastal areas, community-led local development, **including LEADER,** or other territorial tools ~~including just transition and smart specialisation strategies, as well as LEADER as referred to in Article 77 [LEADER]~~;

(ii) improving farm resilience and management of risks at farm level and supporting the digital and data-driven transition of agriculture and rural areas to enhance their competitiveness, sustainability and resilience;

(iii) **advancing** the environmental and climate priority areas set out in Article 4 of Regulation (EU) 202X/XXXX [CAP - Environment and climate priority areas].

(i) promote partnership, knowledge exchange and as relevant distribution of agricultural products by setting out:

(i) which stakeholders have been consulted, how these were selected, how their representativeness and prevention of conflict of interest has been ensured and how their input is reflected in the N**RP** Plan in line with the code of conduct on partnership[8], and by including a summary of the consultation process conducted for the preparation of the **NRP** Plan and each chapter;

(ii) an Agricultural Knowledge and Innovation System including its organisation set-up in accordance with Article 20 of Regulation (EU) 202X/XXXX [CAP Regulation – Agricultural knowledge and innovation systems and farm advisory services];

(iii) the modalities for the EU school scheme in accordance with ~~Title I,~~ Part II**, Title I**, Chapter IIa of Regulation (EU) No 1308/2013.

(j) specify the way in which the NRP Plan and its implementation comply with the principle set out in Article ~~6(3)~~**3 of Regulation (EU) 202X/XXXX [CAP Regulation]**, including a description of the protective practices referred to in Article 3(4) of Regulation (EU) 202X/XXXX [CAP Regulation], their territorial scope, farmers and other beneficiaries subject to the practice and a summary of the protective practice, and complementarity between the elements of the farm stewardship and the relevant measures supported under the NRP Plan;

(k) explain how the Member State's system and arrangements are sufficient to ensure a regular, effective and efficient use of Union resources, in compliance with sound financial management and the protection of the financial interests of the Union, based on the key requirements laid down in Annex IV [key requirements], together with measures to address potential deficiencies;

(l) specify the arrangements in place to ensure that in the event of interruption of payment deadlines or suspension of Union funding, financial corrections or other measures to ensure the protection of Union's financial interests, the

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

Member States will comply with their obligations to continue the payments **due** to beneficiaries, recipients, final recipients, contractors and participants**, except where the entity concerned is responsible for the application of such measures**;

(m) where appropriate, provide a ~~security~~ self-assessment ~~based on common objective criteria~~ identifying any security ~~issues~~**risks, including risks to Union economic security notably in the areas of clean tech/net-zero industries, critical infrastructure, critical technologies, critical raw materials and defence**, and detailing how those ~~issues~~**risks** will be addressed ~~in order to comply with relevant applicable law~~.

(n) ~~justify~~**explain** the coherence of the **NRP** Plan and the synergies and complementarities between measures supporting the objectives as referred to in Articles 2 and 3~~, with a description of how the needs of more than one target group will be addressed, including the needs of rural and coastal communities, and the arrangements in place to capitalise on such synergies~~ ;

(o) provide a self-assessment of the compliance with the Charter horizontal condition referred to in Article 8 [Charter Article];

(p) specify the way in which the **NRP** Plan and its envisaged implementation ensure the respect of the Rule of Law horizontal condition referred to in Article 9 [RoL horizontal condition], ~~including~~**and** the follow-up given to the country-specific recommendations issued in the framework of the latest Rule of Law Report and European Semester, together with measures to address those identified country-specific challenges.

(q) ensure that the NRP Plan contributes to the Union's social objectives. At least ~~14%~~**[14]%** of the total Union contribution and loans shall be dedicated to meeting these objectives, calculated by using the coefficients referred to in Article 6(1) of Regulation (EU) …/… [Performance Regulation]. The amount set out in Article 10(2), point (a) (ii), as well as externally assigned revenue from the Social Climate Fund shall be excluded from the basis for the calculation of this minimum allocation.

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(r) ensure that the NRP Plan contributes to the Union's climate and environmental objectives. A minimum percentage of the total Union allocation of the NRP Plan shall be dedicated to meeting these objectives, corresponding to the specific climate and environment spending target referred to in **[**Annex III of Regulation (EU) …/… [Performance Regulation] **and applied in accordance with Article 8 of Regulation (EU) …/… [Performance Regulation]. ]**~~.~~

~~By way of derogation from paragraph 1, the Commission may request Member States to contribute a lower or higher minimum percentage of the total allocation of the plan for climate and environmental objectives. The specific percentage shall be established by the Commission in the context of the approval of the NRP Plan.~~

~~The determination of the percentage shall take into account the Commission's assessment of the Member State's progress and projected trajectory towards achieving their targets under Regulation (EU) 2018/842 (Effort Sharing Regulation), as detailed in its most recent National Energy and Climate Plan assessment, and their targets under Regulation (EU) 2024/1991 (Nature Restoration Regulation), in accordance with the Nature Restoration Plans.~~

3. The Commission is empowered to adopt delegated acts in accordance with Article 87 [Exercise of the delegation] to amend the template set out in Annex V **to adjust data fields where duly justified**. **The amendments shall be limited to technical and non-essential elements of the template.**

*Article 23*

**Commission proposal and Council implementing decision**

1. **[**The Commission shall assess the Plan or the amended Plan submitted by the Member State and its compliance with this Regulation within four months of its submission and make a proposal for a Council implementing decision. When carrying out the assessment, the Commission shall ensure that the NRP Plan complies with all requirements laid down in this Regulation, in particular in Article 22.**]**

2. The Commission may make observations to Member States and request additional information.

In duly justified cases, **in order to comply with the requirements in Article 22,** the Commission may ~~request~~**suggest** the inclusion of additional measures or the modification of measures proposed by the Member State.

The Member State shall provide the requested additional information and, if needed, review its **NRP** Plan, taking into account the observations and ~~requests~~**suggestions** made by the Commission. The ~~deadline~~**time limits** set out in ~~paragraph 1~~**this Article** shall be ~~interrupted~~**suspended** from the working day following the date ~~following that~~ on which Commission sends its observations or a request for revised documents to the Member State and until the Member State responds to the Commission.

3. Where the **NRP** Plan does not comply with the requirements referred to in paragraph 1, the Commission shall communicate a duly justified reasoning to the Member State concerned within the deadline set out in paragraph 1.

4. Where the Commission concludes that the **NRP** Plan complies with the requirements referred to in paragraph 1, the Commission proposal for a Council implementing decision shall lay down:

(a) the total Union contribution.

(b) the amount of the loan support where the Member State concerned makes such a request; and the related amount of pre-financing, as well as the availability period of the loan;

(c) the list of measures covered by the Union contribution and loans contained in the NRP Plan;

5. In duly justified cases, where the Commission concludes that one or more measures of the **NRP** Plan do not comply with the requirements referred to in paragraph 1, and that a corresponding ~~request~~**suggestion** made in accordance with paragraph 2, second subparagraph, has not been satisfactorily addressed by the Member States, it may include in the Commission proposal referred to in paragraph 4 an identification of the deficiencies affecting those measures.

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6. The Council**, acting by qualified majority, may amend the Commission proposal and** shall adopt the implementing ~~decisions~~**decision** referred to in paragraph 1, as a rule, within four weeks of ~~the adoption of~~**receiving** the Commission proposal.

7. ~~Once~~**Within four weeks after** the Council has adopted an implementing decision as referred to in paragraph 6, the Commission shall adopt a financing decision within the meaning of Article 110 of Regulation (EU, Euratom) 2024/2509, including the following:

   (a) the milestones ~~and~~**,** targets **and outputs** in relation to the implementation of measures contained in the NRP Plan, and for each of them, the corresponding pay-out value;

   (b) the Union contribution per year, based on the percentages set out in Article 14(1) [commitments]~~;~~**.**

The notification of that Commission decision to the Member State concerned shall constitute a legal commitment.

**[**Where Article 4(2), point (b), of the MFF Regulation applies, that financing decision may be amended in accordance with the outcome of the annual budgetary procedure.**]**

8. Payment applications for the specific measures affected by deficiencies identified in the implementing decisions adopted by the Council may be submitted by the Member State concerned, but the Commission shall not make the corresponding payments until the deficiencies have been remedied.

# CHAPTER 3

# ~~Revision~~Amendment of the NRP Plan

*Article 24*

**Amendment of the NRP Plan**

1. A Member State may submit to the Commission a reasoned request for an amendment of its NRP Plan, together with the amended NRP Plan, setting out the expected impact of that amendment on the achievement of the objectives laid down in Articles 2 and 3. **The amendment may concern one or more chapters of the NRP Plan.**

**A Member State may submit further requests for amendment before the adoption of the decision laid down in paragraph 5, provided that these amendments concern different chapters.**

2. The Commission shall assess the compliance of the amended NRP Plan with this Regulation, including Article 23 [Commission proposal and Council implementing decision]~~, and may make observations~~ within ~~three~~**two** months of the submission of the amended NRP Plan.

**The Commission may make observations to Member States and request additional information.**

3. **[**In duly justified cases, irrespective of whether the Member State submitted a reasoned request for an amendment of its NRP Plan pursuant to paragraph 1, the Commission may also propose to the Member State to amend existing measures or to introduce new ones.**]**

4. The Member State shall **provide the requested additional information and, if needed,** review the amended NRP Plan ~~within one month from the date of submission of the Commission's observations referred to in paragraph 2~~, taking into account the observations and the proposals by the Commission ~~as referred to paragraphs 2 or 3~~.

**The time limits set out in this Article shall be suspended from the working day following the date on which Commission sends its observations or a request for revised documents to the Member State, until the Member State responds to the Commission.**

**Where the amended NRP Plan does not comply with the requirements referred to in paragraph 2, the Commission shall communicate a duly justified reasoning to the Member State concerned within the deadline set out in paragraph 2.**

5. Where the Commission ~~has not submitted observations or where it~~ is satisfied that any observations made have been duly taken into account, and where the amendment of the NRP Plan would result in a modification of the total Union contribution, of the amount of loan support or the list of measures or in one or more measures of the **NRP** Plan no longer complying with the requirements referred to in Article 23(1) [Commission proposal and Council implementing decision], the Commission shall make a proposal for a new Council implementing decision in accordance with Article 23 no later than ~~four~~**three** months after the submission of the amended NRP **Plan**. The Council**, acting by qualified majority,**

**may amend the Commission proposal and** shall adopt the new implementing decision, as a rule, within four weeks of ~~the adoption of~~**receiving** the Commission proposal. The Commission shall then amend the financing decision referred to in Article 23(7) [Commission proposal and Council implementing decision] accordingly.

Where the amendment of the NRP Plan would not result in a modification of the total Union contribution, of the amount of loan support or the list of measures, the Commission shall proceed directly by amending the financing decision referred to in Article 23(7) [Commission proposal and Council implementing decision] accordingly.

6. The adoption of the decisions referred to in paragraph 5 shall not be required:

(a) for corrections of a purely clerical or editorial nature or in the case of minor adjustments to the NRP Plan, representing an increase or decrease of less than ~~5~~**10** % of a target set out in the NRP Plan. Member States shall apply those rules only once per target **until the next decision on the amendment of the NRP Plan** and shall notify the Commission of such adjustments. Such amendments shall comply with all requirements of the NRP Plan, including the revision of costing information;

(b) for amendments in accordance with Article 31(7) **or Article 34**.

7. Member States shall ensure that the amount of the estimated total costs of their NRP Plan remain reasonable and plausible throughout its implementation, in accordance with the principle of sound financial management, and **may** request an amendment of their **NRP** Plan where necessary in accordance with paragraph 1.

8. The specific measures identified in the implementing decision referred to in Article 9(4) or subject to a decision imposing measures for the protection of the budget under Regulation (EU, Euratom) 2020/2092 shall not be amended until the decision has been repealed, unless the amendment is intended to support measures that contribute to the fulfilment of the Rule of Law horizontal condition or to addressing the situation that led to the adoption of the aforementioned decisions.

9. The specific measures identified in the implementing decision referred to in Article 8(4) [Charter conditions] shall not be amended until the decision has been repealed, unless the amendment is intended to support measures that contribute to:

(a) the fulfilment of the Charter horizontal condition;

(b) addressing significant changes in the priorities of the Union, within the limit of 30% of the amounts associated with the specific measures concerned.

10. Member States shall not be required to review parts of the NRP Plan that are not directly affected by the intended changes proposed by the Member State.

*Article 25*

**Mid-term review**

1. The Member State shall review their NRP Plans, taking into account the following elements:

(a) the challenges identified in accordance with Article 22(2), **point (b) and Article 22(2b)** points (a)~~, (b) and (c)~~ **and (b)** [Requirements of the **NRP** Plan];

(b) the socio-economic situation of the Member State or region concerned, with special emphasis on territorial **or sectoral** needs, taking into account any major ~~negative~~ financial, economic ~~or~~**,** social **or environmental** development;

(c) the main results of relevant interim ~~assessment~~**evaluation** reports **, in accordance with Article 11(3) of the [Performance Framework Regulation]**;

(d) the progress towards the achievement of measures, taking into account major difficulties encountered in the implementation of the NRP Plan;

(e) Important Projects of Common European Interest (IPCEI) and projects that have been awarded a Seal;

(f) occurrence of any crisis;

(g) the need to ensure continuous compliance of the Rule of Law and the Charter horizontal conditions in the implementation of the **NRP** Plan, taking into consideration in particular the country-specific challenges identified in the context of the Rule of Law Report and the European Semester.

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2. The Member State shall submit an amended NRP Plan presenting the outcome of the mid-term review, including a review of the estimated total costs of the measures covered by the **NRP** Plan and a proposal for additional **or revised** measures to be supported by the flexibility amount referred to in Article 14(2) by ~~31 March~~**30 June** 2031. **Depending on the outcome of the mid-term review, the amendment may concern one or more chapters of the NRP Plan.**

3. The amended NRP Plan shall include the following:

(a) revised or**, where relevant,** new measures;

(b) the updated estimated total costs of **any new or revised measure of the NRP Plan ,**~~the Plan~~ and the flexibility amount requested;

(c) revised or**, where relevant,** new milestones ~~and~~**,** targets **and outputs**.

4. The revised **NRP** Plan shall be approved in accordance with Article 24 [on amendment].

**4a. By way of derogation from paragraphs 1 and 2 of this Article, interventions referred to in Article 10(3) or Article 35(1), points (a) to (h), (j), (k) and (r), [types of intervention] and which are not taken into account in the flexibility amount in accordance with Article 14(2), shall not be subject to the mid-term review.**

# TITLE IV

# ~~eu~~EU Facility

*Article 26*

**General provision on the implementation of the EU Facility**

1. The amount referred to in Article 10(2), point (b), [Budget] shall be allocated through the Facility.

~~2.~~ It shall be implemented under shared, direct or indirect management as set out in the financing decision adopted in accordance with Article 31(1). **The choice of the management mode shall take into account the objective and the scope of the action to implement.**

3. The Facility may provide funding in any form in accordance with Regulation (EU, Euratom) 2024/2509. It may take the form of grants awarded directly to bodies under Article 70 of Regulation (EU, Euratom) 2024/2509. Grants implemented under direct management shall be awarded and managed in accordance with Title VIII of that Regulation. The Facility may also provide funding in the form of budgetary guarantees and financial instruments, including when combined with grants or with other forms of non-repayable support in blending operations ~~of financial instruments within blending operations~~.

4. **[**Funding from the Facility shall be used for its components, which are as follows:

   (a) EUR 63 223 000 000 ~~billion~~ for Union actions, including the Unity Safety Net as referred to in paragraph 1, point (j) of Annex XV [Union actions], Union actions as referred to in paragraph 1, point (l) of Annex XV (Union actions supported by the EU Facility, Home affairs actions), support LIFE actions as referred to in paragraph 1, point (n) of Annex XV [Union actions], Solidarity Actions as referred to in paragraph 1, point (i) of Annex XV [Union actions] supported by the EU Facility;

   (b) EUR 8 710 000 000 for emerging challenges and priorities cushion (the 'budget cushion').**]**

5. ~~The Commission shall establish the overall amount to be made available for the Facility under~~ The annual appropriations ~~of the Union budget~~**for the EU Facility shall be authorised in accordance with the annual budgetary procedure**.

6. **Where** Union actions as referred to in paragraph 1, point (c) of Annex XV [Union actions supported by the EU Facility, social investment and skills policy window] **are implemented by using budgetary guarantees or financial instruments, including when combined with grants or other forms of non-repayable support in blending operations, they** shall be implemented in accordance with paragraphs 7, 8, 9 of this Article and Article 27 [Implementation in the form of budgetary guarantees, financial instruments and blending operations].

**[**Articles 21 to 25 [ECF InvestEU Instrument],**]** Article 14 [Governance and Advisory Boards], Article 1 [Subject matter], Article 31 [Access to Union funding], 26 [Advisory

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services] and Article 28 [Business support] of Regulation [ECF] shall apply to the implementation of those Union actions.

7. **[**For the purposes of Union actions referred to in paragraph 1, point (c) of Annex XV, the financial envelope of the Facility shall be used for the provisioning of the respective amount of the budgetary guarantee established by the [ECF Regulation].**]**

8. In accordance with Article 214(2) of Regulation (EU, Euratom) 2024/2509, the provisioning referred to in paragraph 7 shall be constituted until [2037] and shall take into account the progress in the approval and signature of the financing and investment operations supporting the objectives of the Facility.

9. Member States, Union institutions, bodies and agencies, third countries, international organisations, international financial institutions, or other third parties, may make additional financial or non-financial contributions available to the Facility. Financial contributions shall constitute external assigned revenue within the meaning of Article 21(2), points (a), (d), or (e) or Article 21(5) of Regulation (EU, Euratom) 2024/2509.

10. By way of derogation from Article 63 and Article 64 [data collection and recording and transparency], where the Facility is implemented in direct or indirect management, the rules set out in Article 36(6) and (10) and Article 38 of Regulation (EU, Euratom) 2024/2509 shall apply.

11. The Facility may provide Union support to actions in or in relation to third countries, provided that the action contributes to the objectives set out in Articles 2 and 3 of this Regulation, Article 3 of Regulation [asylum and migration], Article 3 of Regulation [borders and visa], ~~and~~**or** Article 3 of Regulation [internal security]. Such actions shall serve the interests of internal Union policies and be consistent with activities undertaken within the Union.

**11a. When implementing the Facility, the Commission and the Member States shall ensure coordination, consistency, complementarities and synergies between the Facility and other Union programmes and instruments pursuant to Article 7(5).**

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*Article 27*

**Implementation in the form of budgetary guarantees, financial instruments and blending operations**

1. The budgetary guarantee and financial instruments, including when combined with grants or with other forms of non-repayable support in blending operations, under the Facility, shall be implemented in accordance with Title X of Regulation (EU, Euratom) 2024/2509.

2. By way of derogation from Article 211(5) of Regulation (EU, Euratom) 2024/2509, where financial instruments or budgetary guarantees are implemented under indirect management, the Commission shall conclude agreements with entities pursuant to Article 62(1), first subparagraph, point (c) of that Regulation.

3. **[**Where the financing decision implementing the Facility provides for Union funding in the form of a budgetary guarantee, it shall use the budgetary guarantee established by Regulation XX [ECF Regulation] within its maximum amount.**]**

4. Without prejudice to Article 26(9), specific contributions to the budgetary guarantee established by the [ECF] or to financial instruments may be made by Member States, third countries and other third parties in accordance with Article 211(2) and Article 221(2) of Regulation (EU, Euratom) 2024/2509. Such contributions to the budgetary guarantee shall result in an additional amount of the budgetary guarantee.

Where such contributions are made in the form of cash, they shall constitute external assigned revenue within the meaning of Article 21(2) points (a), (d) and (e) and Article 21(5) of Regulation (EU, Euratom) 2024/2509.

5. The Commission shall grant the budgetary guarantee or entrust the implementation of financial instruments and blending operations through the contribution agreements or guarantee agreements concluded under Regulation [ECF Regulation] with entities referred to in Article 62(1), first subparagraph, point (c) of Regulation (EU, Euratom) 2024/2509 in line with the rules of the Regulation [ECF Regulation].

Notwithstanding the first subparagraph, the Commission may conclude separate contribution agreements or guarantee agreements with other entities than those referred to in that subparagraph in line with the rules of the Regulation [ECF Regulation].

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*Article 28*

**Participation of third countries ~~associated~~**

1. The Facility may be opened to the participation of the following third countries through full or partial association **to the Programme**, in accordance with the objectives laid down in Articles 2 and 3 and ~~in accordance with the relevant international agreements or any decisions adopted under the framework of those agreements and~~ applicable to:

   (a) members of the European Free Trade Association which are members of the European Economic Area, **in accordance with the conditions laid down in the Agreement on the European Economic Area,** as well as European Micro-States **(Andorra, Monaco, San Marino and the Vatican City), in accordance with the conditions laid down in the relevant agreements**;

   (b) acceding countries, candidate countries and potential ~~candidate~~**candidates, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements, protocols and Association Council decisions or in similar agreements and in accordance with the specific conditions laid down in agreements between the Union and those** countries;

   (c) European Neighbourhood Policy countries**, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements, protocols and Association Council decisions or in similar agreements and in accordance with the specific conditions laid down in agreements between the Union and those countries**;

   (d) other third countries**, in accordance with the conditions laid down in a specific international agreement covering the participation of the third country to any Union programme**.

2. The ~~Association~~ agreements for ~~programme~~ participation **in the programme referred to in paragraph 1** shall:

   (a) ensure a fair balance as regards the contributions and benefits of the third country participating in the Union programmes;

(b) lay down the conditions of participation in the programmes, including the calculation of financial contributions, consisting of an operational contribution and a participation fee, to ~~a~~**the** programme and its general administrative costs;

(c) not confer on the third country any decision-making power in the programme;

(d) guarantee the rights of the Union to ensure sound financial management and to protect its financial interests~~. The third country shall grant the necessary rights and access required under Regulation (EU, Euratom) 2024/2509 and Regulation (EU, Euratom) No 883/2013, and guarantee that enforcement decisions imposing a pecuniary obligation on the basis of Article 299 TFEU, as well as judgements and orders of the European Court of Justice, are directly enforceable~~;

(e) where relevant, ensure the protection of security and public order interests of the Union.

**2a. For the purposes of paragraph 2, point (d), the third country shall grant the necessary rights and access required under Regulations (EU, Euratom) 2024/2509 and (EU, Euratom) No 883/2013, and guarantee that enforcement decisions imposing a pecuniary obligation on persons other than States in the meaning on the basis of Article 299 TFEU, as well as judgments and orders of the Court of Justice of the European Union, are enforceable.**

3. By way of derogation from paragraph 1, participation of third countries shall be excluded for measures contributing to the **CAP-related** specific objectives set out in Article 3, ~~points (d)(i), (ii) and (iii)~~**point (d)**.

~~*Article 29*~~

~~**Support for activities in or in relation to third countries**~~

~~Union support may be provided for actions in or in relation to third countries, provided that those actions contribute to the objectives set out in Article 3 [Specific objectives]. Such actions shall serve the interests of internal Union policies and be consistent with activities undertaken within the Union.~~

*Article 30*

**Eligible entities under direct and indirect management**

1. In award procedures for grants, prizes, financial instruments and blending under direct and indirect management the following legal entities may be eligible to receive Union funding:

   (a) entities established in a Member State or ~~an associated~~**a** third country **associated to the programme**;

   (b) international organisations;

   (c) other entities established in ~~non-associated~~ third countries **not associated to the programme** where the funding of such entities is essential for implementing the action and contributes to the objectives set out in Articles 2 and 3.

2. In addition to Article 168(2) and (3) of Regulation (EU, Euratom) 2024/2509, ~~associated~~ third countries referred to in Article 28 of this Regulation may, where relevant, participate in and benefit from any procurement mechanisms set out in Article 168(2) and (3) of Regulation (EU, Euratom) 2024/2509. Rules applicable to Member States shall be applied, mutatis mutandis, to participating ~~associated~~ third countries.

3. Award procedures affecting security or public order, in particular concerning strategic assets and interests of the Union or its Member States, shall be restricted in accordance with Article 136 of Regulation (EU, Euratom) 2024/2509.

4. The work programme referred to in Article 110 of Regulation (EU, Euratom) 2024/2509 or the documents related to the award procedure may further specify the eligibility criteria set out in this Regulation or set additional eligibility criteria for specific actions. In particular, in award procedures, the eligibility of high-risk suppliers shall be restricted in line with EU law, for security reasons.

*Article 31*

**Union actions**

1. The Commission shall, by means of implementing acts**, in accordance with the examination procedure referred to in Article 88(3) of this Regulation**, adopt a financing decision as referred to in Article 110 of Regulation (EU, Euratom) 2024/2509

identifying objectives and actions to be supported and specifying the **implementation mode and the** amounts for the Union actions set out in Annex XV to this Regulation [Union actions]. That financing decision ~~may be annual or~~**shall be preferably** multiannual **or, when relevant, annual**. The identification of objectives and actions shall be based on fair ~~and~~**,** transparent **and objective** criteria and shall ensure a balanced distribution**, taking into account the Union added value**. **The choice of the management mode shall take into account the objective and the scope of the actions to implement unless otherwise provided in this Regulation. On duly justified imperative grounds of urgency, such as crises, the Commission may adopt the financing decisions referred to in the previous paragraph by means of immediately applicable implementing acts, as referred to in Article 88(4) of this Regulation.**

2. For the purposes of Union actions referred to in paragraph 1, point (j) of Annex XV to this Regulation [Union actions, Unity Safety Net] and subject to budgetary availabilities, the financing decision referred to in paragraph 1 shall be amended, as appropriate to support the adoption of the delegated or implementing acts pursuant to Regulation (EU) No 1308/2013. Those Union actions shall be considered as output-based interventions and shall be implemented under shared management in accordance with the provisions established under this Regulation.

3. The financing decision referred to in paragraph 1 shall take into account the share of the amounts that the Commission is to make available to the Member States:

   (a) in accordance with Articles 7 of Regulation XX [Borders Regulation] which shall constitute internal assigned revenue in accordance with Article 21(3) of Regulation (EU, Euratom) ~~2025/2509~~**2024/2509** and

   (b) in accordance with Article 8 of Regulation XX [Borders Regulation] and Article 9 of Regulation XX [Migration Regulation] which shall constitute external assigned revenue in accordance with Article 21(5) of Regulation (EU, Euratom) ~~2025/2509~~**2024/2509**.

The amounts referred to in the first subparagraph shall be made available in accordance with paragraph 7 of this Article. **Where the amount referred to in Article 64(1) of Regulation (EU) 2024/1351 is not fully allocated, the remaining amount may be added to the amount indicated by the financing decision referred to in paragraph 1. This amount**

**shall constitute external assigned revenue in accordance with Article 21(5) of Regulation (EU, Euratom) 2024/2509.**

4. Where the Union action is implemented in direct management, members of the evaluation committee referred to in Article 153 of Regulation (EU, Euratom) 2024/2509 may be external experts.

5. Contributions to a mutual insurance mechanism may cover the risk associated with the recovery of funds due by recipients and shall be considered a sufficient guarantee under Regulation (EU, Euratom) 2024/2509.

6. Where the Union action is implemented in shared management, the Member State shall receive Union support for the implementation of that action, in addition to its financial contribution under Article 10 [Budget].

The funding for Union actions shall not be used for other measures in the Member State's NRP Plan, except in duly justified circumstances and as approved by the Commission through the amendment of the Member State's NRP Plan, including where ~~resources are reprogrammed under~~ the **NRP Plan is amended** ~~Plan~~ in accordance with Article 34 [ amendment of the **NRP** Plan in ~~crisis situations~~**case of crises**].

~~The second subparagraph shall apply also where resources are reprogrammed under the Plan in accordance with Article 34 [amendment of the Plan in crisis situations].~~

7. Where the Union action is implemented in accordance with paragraph 6, taking into account the type of Union action and the preference of the Member State concerned, the Commission may allocate funding from the EU Facility to a Member State in accordance with the financing decision referred to in paragraph 1**, based on fair, transparent and objective criteria**. Following such an allocation, the Member State concerned shall propose additional measures to be added to the NRP Plan. This procedure shall not be used for the Union actions referred to in paragraph 1, point (i) of Annex XV and actions concerning more than one Member State of Annex XV [Union actions] ~~and, by way of derogation from Article 13(3) [Technical assistance at the initiative of Member States], shall not increase the Union support for technical assistance~~. If the Commission accepts part of or all of the proposed additional measures, it shall notify the Member State accordingly. This notification shall constitute a legal commitment, complementing the

legal commitment referred to in Article 23(7). The Member State shall include all accepted additional measures in its Plan, for information, at the occasion of the next amendment requiring decisions in accordance with Article 24(5).

8. Where a NRP Plan is amended in order to provide a response to Union actions as referred to in paragraph 1, point (i) of Annex XV (Union actions, natural disasters), the measures requested by the Member State and related to such amendments shall be eligible from the date when the ~~crisis~~**natural disaster** occurred and shall be programmed for the objective "Supporting measures for addressing crisis via reconstruction, repair and enhancing resilience". That objective shall be additional to those laid down in Article 2 and 3 (objectives of the Plan) and shall only be used for measures programmed as a response to ~~crisis situations~~**natural disasters**, including where ~~resources are reprogrammed under~~ the NRP Plan **is amended** in accordance with Article 34 [amendment of the Plan in ~~crisis situations~~**case of crises**].

9. **[**In addition to Article 12(4) of Regulation (EU, Euratom) 2024/2509, commitment and payment appropriations for Union actions referred to in paragraph 1, points (i) and (j) of Annex XV [Union actions, Unity Safety Net] not used by the end of the financial year for which they were entered shall be automatically carried over.**]**

Commitment appropriations carried over in accordance with the first subparagraph may be used until 2034. Commitment and payment appropriations carried over in accordance with the first subparagraph shall be used first in the following financial year.

10. On 1 ~~September~~**October** of each year, at least one quarter of the annual amount provided for in the budget for Union actions referred to in paragraph 1, point (i) of Annex XV shall remain available in order to cover needs arising by the end of that year.

11. In addition to the eligible costs criteria set out in Article 189 of Regulation (EU, Euratom) 2024/2509, the costs incurred by the Member States for implementing the veterinary and phytosanitary emergency measures under specific objective set out in point (g) of Annex XV [Union actions] to this Regulation shall: (a) be eligible prior to the date of submission of the grant application in accordance with Article 196(2), second subparagraph, point (b) of Regulation (EU, Euratom) 2024/2509; (b) be eligible from the date of the suspected occurrence of an animal disease or the presence of a plant pest, provided that that occurrence or presence is subsequently confirmed. The submission of the grant application

shall be preceded by the notification to the Commission of the occurrence of the animal disease in accordance with Article 19 or 20 and rules adopted on the basis of Article 23 of Regulation (EU) 2016/429, or the presence of the Union quarantine pest in accordance with Article 9, 10 or 11 of Regulation (EU) 2016/2031 of the European Parliament and of the Council. By way of derogation from Article 111(2) of Regulation (EU, Euratom) 2024/2509, the Commission shall make the budgetary commitment for the grant awarded for such emergency measures after the payment applications submitted by Member States have been assessed.

**11a. In accordance with Article 196(2), second subparagraph, point (a), of Regulation (EU, Euratom) 2024/2509, Member states' operating costs of the European Travel Information System (ETIAS) under Article 85 paragraphs (2) and (3) of Regulation 2018/1240, to be covered by the revenues generated by the ETIAS fees as set out in Article 7 of the BMV Regulation, may be considered eligible as of [date to be determined], even if those costs are incurred before the grant application was submitted.**
**Budgetary commitments for activities extending over more than one financial year may be broken down over several years into annual instalments.**

*Article 32*

**Expenditure related to public intervention measures under the Unity Safety Net**

1. For the purposes of the Unity Safety Net established as a Union action under the Facility, where a sum per unit is not determined in respect of a public intervention, the measure concerned shall be financed on the basis of uniform standard amounts, in particular as regards funds originating in the Member States used for buying in products, for material operations arising from storage and, where appropriate, for the processing of the products eligible for public intervention referred to in Article 11 of Regulation (EU) No 1308/2013.

~~2.~~ The Commission shall adopt implementing acts fixing the amounts referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the ~~advisory~~ procedure referred to in Article ~~229(4)~~**229** of Regulation (EU) No 1308/2013.

*Article 33*

**Emerging challenges and priorities cushion**

1. The amount referred to in Article 26(4), point (b), [budget cushion] shall be used where most needed and **if** duly justified~~, in particular~~:

   (a) to ensure an appropriate response of the Union in the event of unforeseen circumstances;

   (b) to promote new Union-led initiatives or priorities.

2. The Commission shall, by means of implementing acts, adopt financing decisions as referred to in Article 110 of Regulation (EU, Euratom) 2024/2509 identifying objectives and actions to be supported and specifying the amounts for the budget cushion set out in Article 26(4), point (b), of this Regulation [General provision on the implementation of the EU Facility].
   **For the purposes of paragraph 1(b), of this Article, the financing decisions referred to in the first sub-paragraph shall be adopted by means of implementing acts, in accordance with the procedure referred to in Article 88(3) of this Regulation.**

3. **[**In addition to Article 12(4) of Regulation (EU, Euratom) 2024/2509, commitment and payment appropriations not used by the end of the financial year for which they were entered shall be automatically carried over.

   Commitment appropriations carried over in accordance with the first subparagraph may be used until the end of 2033. Commitment and payment appropriations carried over in accordance with the first subparagraph shall be used first in the following financial year.**]**

*Article 34*

**Amendment of the NRP Plan in case of ~~crisis situations~~crises**

1. Member States may request to amend the NRP Plans in accordance with Article 24 [Amendment of the plan] to provide support to measures ~~of a similar nature to those referred to in paragraph 1 point (i) of Annex XV [natural disasters], as well as~~**in response to a crisis, as defined in Article 4(19) to this Regulation [definition of crisis]. In particular, Member States may request to amend the NRP Plans** to provide crisis payments to farmers~~ that are affected by natural disasters~~**, fishers and aquaculture**

**producers** and supporting investments in the restoration of agricultural**, fishing and aquacultural** potential, provided that they were recognised as such by a competent public authority of the Member State.

A Member State may only provide crisis payments to farmers**, fishers and aquaculture producers if one or more of the following criteria are met** ~~if~~:

(a) its competent authority formally recognised that a natural disaster, adverse climatic event or catastrophic event, as defined by the Member State, has occurred;

(b) measures were adopted in accordance with Regulation (EU) 2016/2031 to eradicate or contain a plant disease or pest; **or**

(c) measures were adopted to prevent or eradicate animal diseases listed in the Annex to Commission Implementing Regulation (EU) 2018/1882; or

(d) measures were adopted regarding an emerging disease in accordance with Article 6(3) and Article 259 of Regulation (EU) 2016/429.

2. **[**Where the request for amendment exceeds 1 % of the Union financial contribution under the Plan, the Member State may, in addition, request to programme up to 2.5% of the amount of the Union financial contribution from their unprogrammed flexibility amount within the limits set out in Article 12 [Budgetary commitments] for measures referred to in paragraph 1 of this Article.

3. Where the amount requested and available under paragraph 2 is not sufficient to cover the needs, Member States may request additional support from the Union actions as referred to in Article 26 [General provision on the implementation of the EU Facility], subject to the availability of funding.

4. Where the amount available under paragraph 3 is not sufficient to cover the needs, Member States may receive additional support from the 'budget cushion' as referred to in Article 26(4), point (b) [General provision on the implementation of the EU Facility], subject to availability of funding.**]**

5. The Member States shall submit a request setting out the reasons and describing the damages, repair and recovery needs for the amendment of the NRP Plan referred to in paragraph 1 and where applicable, paragraphs 2 and 3, within four months from the date

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when the crisis was recognised as such by a competent authority. The amendment shall include the following elements:

(a) description of measures addressing damages deriving from the crisis and fostering repair and recovery from the crisis, with their estimated costs and corresponding milestones and targets;

(b) where applicable, the amounts requested from the flexibility amount and from the Facility, up to the amount of the total estimated costs of the related measures, taking into account ~~reprogrammed amounts~~**thresholds applicable to crises as set out in paragraph 2 of this Article**.

6. By way of derogation from Article 24 [Amendment of the plan], the Commission shall ~~do its utmost to approve~~**aim at approving** any amendment to the NRP Plan within 15 working days of its submission by a Member State.

7. The Commission shall pay up to 80 % of the allocation of the measures referred to in paragraph 5, as set out in the decision approving the plan amendment referred to in paragraph 6, subject to the availability of funding, as exceptional pre-financing. Such payment shall be additional to the pre-financing for the NRP Plan provided for in Article 17 [Pre-financing] and shall be cleared on a yearly basis.

8. Member States may decide to use the procedure set out in this Article for the support provided under paragraph 1, point~~,s~~ (l) of Annex XV (Union actions supported by the EU Facility, Home Affairs actions).

9. **[**Paragraphs 3 and 4 shall not apply to the provision of crisis payments to farmers affected by natural disasters.**]**

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# TITLE VII
# GOVERNANCE OF THE PLAN

## CHAPTER 1
## Plan authorities and their functions

*Article 49*

**NRP Plan and Interreg Plan authorities**

1. For the purposes of Article 63(3) of Regulation (EU, Euratom) 2024/2509, each Member State shall identify one or more managing authorities, one or more **CAP** paying agencies and one or more audit authorities for the **Plan in accordance with its institutional and legal framework and taking into account the specificities of the chapters concerned and, if applicable, one or more authorities assuming the coordinating function for the NRP** Plan. The authorities identified shall fulfil the relevant key requirements set out in Annex IV to this Regulation. All authorities identified for the purposes of this Article shall ~~have the possibility for exchanges~~**be able to interact directly** with the Commission**, including the relevant managing authorities responsible for the programming, management and implementation of regional chapters**.

2. Where a Member State entrusts the implementation of the Plan **chapters** to authorities in charge of implementing cohesion policy, the CAP or European Maritime Fisheries and Aquaculture Fund**, the Asylum, Migration and Integration Fund, Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy** in the 2021-2027 programming period and **to authorities in charge of implementing the Social Climate Fund and** based on ~~all available~~**the latest** audit results the Commission did not question the effective functioning of these authorities, these authorities shall be deemed to comply with the key requirements **set out in Annex IV**.

3. **[**Where a Member State identifies more than one managing authority, it shall set up a coordinating authority. A managing authority may be entrusted with carrying out certain functions of the coordinating authority. Arrangements between the coordinating authority and the managing authority shall be recorded in writing.**] To ensure continuity and cost-**

**effectiveness, Member States may build upon the existing governance structures and institutions.**

4. The managing authority may identify one or more intermediate bodies to carry out ~~certain~~ tasks under their responsibility. Arrangements between the managing authorities and intermediate bodies shall be recorded in writing. ~~The tasks delegated to intermediate bodies shall not be entrusted further to other bodies.~~

5. The audit authority shall be a public authority, functionally independent from the auditees. Audit work may be carried out by a public or private body other than the audit authority under the responsibility of ~~that~~**the audit** authority. Where the Member State identifies more than one audit authority, it shall ~~set up~~**have in place** coordination arrangements **or a coordinating function** for the preparation of the annual audit ~~opinion and summary~~**opinions and summaries** of audits referred to in Article 53 [functions of the audit authority].

6. Member States shall ensure that the principle of separation of functions between and within the authorities identified for the Plan is respected.

7. Member States shall accredit **CAP** paying agencies responsible for the management and control of the ~~measures~~**interventions** referred to in Article 35(1) and ~~the~~ Union actions **implemented under shared management** referred to in Annex XV, paragraph 1, points (h) and (j), of this Regulation [~~Uion~~**Union** actions]~~, implemented under shared management and~~**. Accredited CAP paying agencies** may entrust their functions, as referred to in Article 52 [functions of the **CAP** paying agency], to the managing authority or to another body. **The tasks delegated by the CAP paying agencies to managing authorities shall not be entrusted further to other bodies.**

8. The managing and the audit authorities may be responsible for one or more chapters of the **NRP Plan or the Interreg Plan, or parts of chapters of the NRP** Plan. ~~They~~**It** shall be ~~provided with appropriate resources to carry out their tasks~~**clearly set out which authorities are responsible for each part of the NRP Plan or Interreg Plan**.

9. When carrying out their functions, the plan authorities may use a single integrated and interoperable information and monitoring system, including a single data-mining and risk-scoring tool **provided by the Commission**, as referred to in Article 36(2), point (d) of the

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Regulation (EU, Euratom) 2024/2509, to access and analyse the relevant data, with a view to a generalised application by Member States. **Plan authorities may also continue to operate their own information and monitoring systems, provided these ensure compliance with the requirements of this Regulation.**

10. Annual review meetings shall be organised once a year between the Commission and each Member State to examine the performance of the Plan or its chapters. The relevant authorities**, including the relevant regional authorities and the authorities assuming** ~~and~~ the coordinating ~~authority~~**function** shall participate in the review meetings. The outcome of the review meeting shall be recorded in writing. The Member State shall follow up issues raised during the review meeting which affect the implementation of the plan or one or more chapters and shall inform the Commission within three months of the measures taken.

*Article 50*

**~~Functions of~~ The coordinating ~~authority~~ function of the NRP Plan**

The coordinating ~~authority~~**function of the NRP Plan** shall ~~be responsible for~~**comprise the following tasks**:

**(-a) submitting the NRP Plan or its amendments;**

(a) monitoring the implementation of the **NRP Plan in close coordination with the managing authorities**~~Plan~~ while ensuring sound governance practices and ~~the maintenance of~~**promoting** adequate administrative capacity by the authorities responsible for the **NRP** Plan;

(b) ensuring coherence in the implementation of the various chapters of the **NRP** Plan;

(c) submitting**, based on the information received from managing authorities and CAP paying agencies,** payment applications for the **NRP** Plan to the Commission in accordance with Article 65;

(d) providing forecasts of the amount for payment applications to be submitted for the current and subsequent calendar year by 31 January and ~~30~~**31** July in accordance with the template set in Annex X [on payment forecast];

~~(e) providing the management declaration referred to Article 59(1), point (e) [Annual assurance package] in accordance with the template set out in Annex XII [management declaration] signed by the managing authority or the paying agency;~~

(f) ~~coordinating~~**collecting** and submitting to the Commission all the documents requested as part of the annual assurance package referred to in Article 59 [annual package]**. Where the assurance package includes more than one management declaration or audit opinion, those shall cover all payment applications submitted during the reference period, in accordance with the Member State's institutional, legal and financial framework**;

(g) ensuring financial flows to managing authorities **and CAP paying agencies**, guaranteeing that with each payment made by the Commission, such authorities receive the amounts due to them, in accordance with the progress made in the implementation of the measures included in their respective chapters and taking into account potential financial corrections resulting from the implementation of their chapters and that they receive by the end of the period an amount at least equivalent to their Union contribution;

~~(h) ensuring a framework to strengthen the administrative capacity of authorities, stakeholders, partners, and beneficiaries at national and local levels, and promoting policy learning and experimentation;~~

(i) **where applicable,** supporting the work of a coordinating committee by providing the necessary information and ensuring the follow-up of the decisions and recommendations of the coordinating ~~monitoring~~ committee;

(j) communicating to Union citizens the ~~role~~ objectives and results of the NRP Plan in accordance with Article 18 of Regulation [Performance regulation] through a single website portal providing access to all chapters of the NRP Plan pursuant to Article 64(1).

**The tasks listed under this Article may be entrusted to one or more authorities, while ensuring that each task is entrusted to only one authority. Arrangements to establish the tasks of the coordinating function shall be recorded in writing.**

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*Article 51*

**Functions of the managing authority**

1. The managing authority shall be responsible for managing the **NRP** Plan or ~~a part~~**one or more chapters** of the **NRP Plan or the Interreg Plan, or parts of a chapter of the NRP Plan, including for the fulfilment of milestones and targets of the concerned parts**~~Plan with a view to delivering its objectives~~. It shall have the following functions:

   (a) selecting operations with a view to ~~maximising~~**optimising** the contribution of the Plan towards the achievement of the objectives of the Fund, defined at the level of its chapters and measures by establishing and applying criteria and procedures which are non-discriminatory and transparent;

   (b) carrying out management verifications to ensure the fulfilment of the milestones ~~and~~**,** targets **and outputs** set out in the Plan and the ~~effective~~ use of funds in compliance with applicable law; for the purposes of drawing up the management declaration, the managing authority ~~is not expected to~~**shall not** verify the underlying costs of the operations **when assessing the fulfilment of milestones, targets and outputs**;

   (c) applying effective and proportionate measures and procedures, taking into account the risks identified, to prevent, detect, and correct irregularities, including fraud, corruption, conflict of interests, and double-funding and ensure compliance of the underlying operations with applicable law, in accordance with the relevant key requirements set out in Annex IV [key requirements];

   (d) supporting the work of the monitoring ~~committee~~**committees** by providing the necessary information in a timely manner and ensuring the follow-up of the decisions and recommendations of the monitoring ~~committee~~**committees**;

   (e) if relevant, supervising **the implementation of the tasks delegated to the** intermediate bodies, while ensuring sound governance practices and the maintenance of adequate administrative capacity;

   (f) strengthening the administrative capacity of intermediate bodies (if relevant), **stakeholders, partners** and beneficiaries, and promoting policy learning ~~and experimentation~~;

(g) ensuring that a beneficiary receives the amount due in relation to the implementation of ~~a measure~~**an operation** in full and no later than [80] days from the date of submission of the payment claim by the beneficiary; and for interventions referred to in Article ~~35~~**35(1)**, points (a) to (g), (o), (p), and (r) [types of interventions], ensuring that the payment to beneficiaries takes place not later than 30 June of the year following the year of the submission of the payment claim. The deadline may be ~~interrupted~~**suspended** if information submitted by the beneficiary does not allow the managing authority to establish whether the amount is due;

(h) recording and storing electronically the data necessary for monitoring, evaluation, financial management, verifications and audits in accordance with Article 58 [Responsibilities of the MS]**, Article 63 [Data collection and recording]** and Annex IV [key requirements], and ensure the security, integrity and confidentiality of data and the authentication of users;

(i) ensuring that each beneficiary is provided with a document setting out the conditions for support~~;~~**, the** financing plan~~,~~ **and the time** limits of **its** execution and where applicable the method to apply the conditions for payment;

(j) ensuring that beneficiaries comply with their obligation to ensure the visibility of the Union support, in accordance with Article 18 of Regulation (EU, Euratom) XX [Performance regulation]**;**

(k) **preparing,** signing **and providing to the authority assuming the coordinating function** the management declaration referred to in point ~~(a) paragraph 1~~**(c)** of Article 59(1)~~, point (c) (1, point (a)~~ [Annual assurance package] in accordance with the template set out in Annex XII [management declaration];

(l) submitting information on the implementation progress of the measures in the Plan as required by Article 58 [Responsibilities of Member States] and Annex IX [Reporting on progress in implementation of measures].

2. Management verifications referred to paragraph 1, point (b) shall be risk-based and proportionate to the risks identified ex ante and in writing.

~~3.~~ Management verifications shall include administrative verifications in respect of payment claims made by beneficiaries and**, where necessary,** on-the-spot verifications of

operations. Those verifications shall be carried out before submission of the annual assurance package in accordance with Article 59.

*Article 52*

**Functions of the CAP paying agency**

1. The **CAP** paying agency shall have an administrative organisation and a system of internal control that complies with internationally recognised standards of internal control and that provides sufficient guarantees that payments are legal, regular and properly accounted for.

2. Each Member State **may keep the existing CAP paying agencies in place and** shall, taking into account its institutional provisions, restrict the number of its accredited **CAP** paying agencies to a single **CAP** paying agency at national level ~~or~~**and/or**, where applicable, one per region. **Where a Member State has more than one CAP paying agency, that Member State may designate a coordinating body of CAP paying agencies.**

3. In relation to the ~~measures~~**interventions** referred to in Article 35 **(1)** [CAP type of interventions], the **CAP** paying agency shall perform the tasks of the managing authority listed in Article 51(1) [managing authority], points (b), (c), (f), (g), (h), (i), (j)**, (k) and (l)** ~~and (k)~~ and (2) and (3) of that Article.

The **CAP** paying agency may delegate the performance of its tasks, with the exception of making payments.

**By way of derogation from the first and second subparagraph, in relation to multisectoral community-led local development encompassing LEADER, Member States may decide that the managing authority performs tasks listed in Article 51.**

4. The **CAP** paying agency shall provide the **authority assuming the** coordinating ~~authority~~**function** with the necessary information for the purpose of Article 50, points (c), (e) and (f) of **this** Regulation ~~[CA]~~.

The person in charge of the **CAP** paying agency shall draw up and provide to the **authority assuming the** coordinating ~~authority~~**function** the management declaration referred to in Article 59(1), point (c), of this Regulation [Submission of the annual assurance package].

5. Each Member State shall continuously monitor the compliance of the **CAP** paying agency with the requirements laid down in paragraph 1 and be in charge of issuing, reviewing and withdrawing their accreditation.

Where the Member State has determined that an accredited **CAP** paying agency no longer respects one or more of the requirements laid down in paragraph 1 in a manner that affects the fulfilment of its tasks, the Member State shall put the **CAP** paying agency's accreditation under probation without delay. It shall draw up a plan including actions and deadlines to remedy the deficiencies found within a period to be determined according to the severity of the problem. That period which shall not exceed 12 months from the date on which the accreditation is put under probation. In duly justified cases, the Commission may, upon request of the Member State concerned, grant an extension of that period.

*Article 53*

**Functions of the audit authority**

1. The audit authority shall be responsible for carrying out audits on the fulfilment of milestones ~~and~~**,** targets **and outputs**, and system audits in order to provide assurance to the Commission regarding the effective functioning of the management and control systems~~,~~ ~~including whether the management and control systems ensure the legality and regularity of the underlying transactions and the effective and timely protection of the financial interests of the Union~~. The audits shall provide assurance on the ~~effective~~ use of funds in compliance with the applicable law.

2. The audit authority shall draw up **and provide to the authority assuming the coordinating function**:

   (a) an annual audit opinion for the purposes of Article 63(7) of Regulation (EU, Euratom) 2024/2509 in accordance with the template set out in Annex XIII of this Regulation which shall establish whether

      (i) data entered in the payment applications submitted for the reference period as referred to Article 59(1), point (a), [assurance package] are complete, accurate and reliable;

(ii) the management and control systems function properly **and ensure that Union funds are used in compliance with applicable law** and ensure the effective and timely protection of the financial interests of the Union ~~and the legality and regularity of the underlying transactions~~;

(iii) the use of funds is compliant with the applicable law;

(iv) whether the audit work puts in doubt the assertions made in the management declaration.

(b) a summary of the audits carried out as referred to in Article 59(1), point (b), [Assurance package] including an analysis of the nature and extent of the weaknesses identified and any corrective action taken or planned;

Audit work shall be carried out in accordance with internationally accepted audit standards.

3. The audit authority shall prepare an audit strategy based on a risk assessment, taking into account the management and control system description provided for as required in Article 22(2), point (m), covering system audits, and audits regarding the milestones and targets, and the ~~effective~~ use of funds in compliance with applicable law. All newly identified managing authorities shall be subject to a system audit before the submission of the first payment application.

4. The audit authority ~~is not expected to~~**shall not** verify the underlying costs of the operations ~~for the purpose of its audit work~~**when verifying the fulfilment of milestones, targets and outputs**.

# CHAPTER II

# Monitoring arrangements

*Article 54*

**Monitoring committee and coordinating committee**

1. Each Member State shall set up one or more monitoring committees for the chapters of the NRP Plan, as appropriate in function of the chapter concerned. All chapters of the **NRP** Plan shall be covered. The same monitoring committee may cover more than one chapter.

2. Where the Member State sets up more than one monitoring committee, it ~~shall~~**may** also set up a coordinating committee which shall ensure the overview and the monitoring of the implementation of the **NRP** plan, after consulting the relevant authorities managing each of the NRP Plan's chapters, within three months of the date of notification to the Member State concerned of the decision approving the NRP Plan. ~~The coordinating committee shall approve all elements listed under Article 56(1) [ functions of the monitoring committee]~~

3. The rules laid down in Articles 55 and 56 shall apply to the coordinating committee, **where relevant,** and to the monitoring committee.

4. Each monitoring committee and**, where relevant,** the coordinating committee shall adopt its rules of procedure, including provisions regarding the prevention of any conflict of interest and the application of the principle of transparency.

5. The monitoring **committee and, where relevant, the coordinating** committee shall meet at least once a year and shall review the implementation of the chapter or chapters of the NRP Plan under its responsibility, including all issues that affect the progress towards achieving their objectives.

6. The rules of procedure of the monitoring committee **and, where relevant, of the coordinating committee,** and the data and information shared with the monitoring committee shall be published on the website referred to in Article 64.

*Article 55*

**Composition of the monitoring committee**

1. ~~Each Member State shall determine in a public procedure and based on objective and transparent criteria,~~**When determining** the composition ~~and the size~~ of the monitoring committee, ~~ensuring~~**each Member State shall ensure** a balanced representation of the relevant Member State authorities and intermediate bodies and of representatives of the partners referred to in Article 6 [partnership]~~. The number of such partners shall be equal or superior to members belonging to authorities or intermediate bodies~~ **through a transparent process, according to the institutional and legal framework of each Member State**.

The composition of the monitoring committee shall take into account the chapter or the chapters of the **NRP** Plan the monitoring committee is responsible for. The composition and size of the monitoring committee shall enable the committee to carry out its work efficiently and effectively.

Each member of the monitoring committee shall have a vote. **The monitoring committee shall be chaired by a representative of the Member State. The rules of procedure may allow non-members, including the EIB, to participate in the work of the monitoring committee.**

The Member State shall publish and ~~annually update~~**keep up to date** the list of the members of the monitoring committee on the website referred to in Article 64.

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

*Article 56*

**Functions of the monitoring committee**

1. The monitoring committee shall examine **for the chapter or chapters under its responsibility**:

(a) the progress in implementation of the measures included in the chapter **or chapters** of the **NRP** Plan;

(b) any issues that affect the performance of the chapter **or chapters** and the measures taken to address those issues;

(c) the fulfilment of the Rule of Law and Charter horizontal conditions laid down in Articles 8 and 9 [Rule of law and charter horizontal conditions] and their application throughout the programming period;

(d) the progress made in carrying out evaluations, syntheses of evaluations and any follow-up given to findings;

(e) the implementation of information, communication and visibility actions ~~with regards to reforms and investments and other interventions included in the chapter~~;

(f) the progress in administrative capacity building for public institutions, partners and beneficiaries, where relevant;

(g) the effective functioning of the partnership as regards the chapter or chapters of the **NRP** Plan under its responsibility.

2. The monitoring committee shall approve for the chapter(s) **of the NRP Plan** under its responsibility:

(a) any proposal for the amendment of the chapter or chapters ~~of the NRP Plan under its responsibility~~, except for amendments pursuant to Article 34 [Union actions, EU Facility].

(b) the methodology~~,~~ **and** criteria ~~and procedures~~ for the selection of operations, including any changes thereto. The criteria applied ~~and procedures used~~ shall be non-discriminatory, inclusive and transparent, ensuring accessibility to persons with disabilities, ensuring gender equality, and take account of the Charter of Fundamental Rights of the European Union;

(c) the evaluation roadmap and any amendment thereto~~;~~**.**

~~(d) the communication strategy;~~

~~(e) territorial development strategies.~~

3. **If applicable,** the coordinating committee shall ~~examine and approve~~**give an opinion on** the same elements as the ones mentioned in the preceding paragraph but at the level of the **NRP Plan with a view to ensuring coherence in the implementation of the various chapters**~~Plan~~.~~–~~ In case of divergent opinions, the opinion ~~of~~**on** the monitoring committee responsible for the chapter shall prevail.

4. In case of delays or challenges in the implementation of different chapters of the **NRP Plan, the monitoring and, if applicable**~~Plan~~, the coordinating committee can issue recommendations to the authorities managing the chapters of the **NRP** Plan on improving the effectiveness of these chapters in achieving their objectives~~, including any corrective actions that shall be taken by the authorities~~.

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**4a. The second sub-paragraph shall not apply to IACS interventions, for which the monitoring committee shall provide an opinion.**

~~*Article 57*~~

~~**European and national CAP Network**~~

~~1. Each Member State shall, at the latest 12 months after the approval by the Commission of the Plan, establish and support a national network for CAP ('national CAP network') for the networking of organisations and administrations, advisors, researchers and other innovation actors, and other actors in the field of agriculture and rural development at national level. The national CAP networks shall build on the existing networking experience and practices in the Member States.~~

~~2. The Commission shall establish a European network for the Common Agricultural Policy ('European CAP network') to link national networks, organisations, and administrations in the field of agriculture and rural development at Union level.~~

~~3. The objectives of the national and European CAP networks shall be to:~~

~~(a) involve stakeholders in the design and implementation of the CAP interventions of the NRP Plan;~~

~~(b) support Member State administrations in implementing the CAP interventions;~~

~~(c) improve the quality of the NRP Plans and in particular their measures related to agriculture and disseminate results;~~

~~(d) foster innovation, peer-to-peer learning, and knowledge-sharing;~~

~~(e) enhance monitoring and evaluation capacities;~~

~~(f) disseminate information on the CAP and funding opportunities;~~

~~(g) contribute to further development of the CAP.~~

~~4. To achieve the objectives referred to in paragraph 6, the networks shall:~~

~~(a) collect, analyse, and disseminate information on good practices concerning the CAP as well as analysis on developments in agriculture and rural areas;~~

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~~(b) build capacity for Member States' administrations and other actors involved in the implementation, monitoring and evaluation of the NRP Plans concerning the CAP;~~

~~(c) facilitate exchanges, peer-to-peer learning, and networking, including where relevant exchanges with networks in third countries;~~

~~(d) support the networking of funded cooperation projects, such as local action groups under Article 77 [LEADER], EIP-AGRI operational groups referred to in Article 19 of Regulation (EU) 202X/XXXX [CAP Regulation] and promote links to other Union-funded strategies.~~

~~5. The European CAP network and the national CAP networks shall collaborate and carry out joint activities in the achievement of the objectives referred to in paragraph 3. The European CAP network shall use a distinctive visual identity.~~

# TITLE X
# MANAGEMENT AND FINANCIAL RULES

## CHAPTER I
## General management rules

*Article 58*

**Responsibilities of Member States**

1. The Member States shall take appropriate measures to protect the financial interests of the Union and to ensure that the use of funds in the implementation of the Plans complies with the applicable law, including applicable public procurement and State aid rules. They shall in particular ensure the prevention, detection, correction and reporting of irregularities, including fraud, corruption and conflicts of interest.

2. For the purposes of paragraph 1, the Member States shall:

(a) establish effective and efficient management and control systems for their Plans in accordance with the key requirements set out in Annex IV and ensure their proper functioning in accordance with the principle of sound financial management;

(b) ensure and regularly check that the support provided has been properly used to achieve the established milestones and targets or outputs and take all the appropriate actions to ensure that the use of funds in the implementation of the Plans complies with applicable law**. Member States shall not verify the underlying costs of the operations and the measures when assessing the fulfilment of milestones, targets and outputs**;

(c) take appropriate measures to prevent, detect and correct irregularities including fraud, corruption, conflicts of interest, including**, where available and applicable, with** the use of data mining tools;

(d) apply **proportionate** corrective measures where the applicable law is not respected;

(e) ensure the avoidance of double funding from the Union budget, and take immediate measure to correct any situation of double funding**, in particular by cooperating with the Commission in line with Article 7(5) or through recovery of** ~~by cancelling the most recent~~ funds ~~decided to the concerned operation~~;

(f) ensure compliance with the obligations set out in Article 130 of Regulation (EU, Euratom) 2024/2509;

(g) ensure the reporting of all cases of suspected fraud, corruption and irregularities, including conflict of interest, double funding and other breaches of the applicable law in the Commission's Irregularity Management System (IMS); the Commission shall summarise and publish that information annually and shall communicate it to the European Parliament;

**Irregularities where the amount of Union contribution concerned by the case is lower than EUR 10 000 shall not be reported or where irregularities have been detected and corrected by the Member States before their inclusion in a payment application submitted to the Commission shall not be reported;**

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(h) ensure that the Commission, OLAF, the Court of Auditors and, in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939, the EPPO:

(i) can exercise their respective competences as provided for in Article 129(1) of the Regulation (EU, Euratom) 2024/2509 including by requiring expressly the ~~recipients~~**beneficiaries** of Union funds to provide or ensure the necessary rights and access **and ensure that recipients, final recipients, contractors and sub-contractors provide such rights and access**;

(ii) receive access to the data referred to in Article 63 [on data collection and publication] within the exercise of their respective competences.

(i) have systems and procedures in place to ensure that all supporting documents necessary for the audit trail related to a measure supported by the Fund are kept at the appropriate level for a ~~ten~~**five** year period from 31 December of the year in which the last payment by the Commission to the Member State is made; where a redress procedure has been initiated, an appeal has been lodged or where court proceedings have begun, the supporting documents shall be kept until those procedures or any subsequent recovery procedures are terminated;

(j) make arrangements to ensure the effective examination of complaints concerning the use of the Fund, in accordance with their institutional and legal frameworks, and upon request by the Commission, examine complaints submitted to the Commission falling within the scope of the NRP Plan **or the Interreg Plan chapter** and inform the Commission of the results of these examinations;

(k) ensure that all exchanges of information between beneficiaries of funding and the ~~NRP~~ Plan authorities, as well as with the Commission, are carried out by means of electronic data exchange systems which includes, among others, use of automatic and interactive forms and calculations, ensures record-keeping and data storage in the system enabling both administrative verifications of payment claims submitted by beneficiaries and audits as well as allows for automatic synchronisation and transmission of data between beneficiaries' and Member States' systems;

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(l) ensure that all official exchanges of information with the Commission are carried out by means of an electronic data exchange system referred to in Annex XVI [SFC2028: electronic data exchange system between the Member States and the Commission]. ~~Member States are not expected to verify the underlying costs of the operations and the measures when assessing the fulfilment of milestones and targets.~~

3. Member States shall inform the Commission by ~~15 February of each year~~**the deadline set out in Article 59(1)** on the progress in achieving the objectives established in the Plans, quantifying the fulfilment of each target and milestone, and progress achieved for output-based interventions supported by the Plans. This information shall be provided in accordance with the template set out in Annex IX [Reporting on progress in implementation of measures]. If no quantification on progress of milestones ~~and~~**,** targets **or outputs** is available in the progress reporting systems, the Member state shall provide an estimation of progress achieved, in accordance with the template set out in Annex IX [Reporting on progress in implementation of measures]. The information made available shall cover progress until the end of **the preceding calendar** year ~~N~~ and shall be submitted as part of the annual assurance package referred to in Article ~~57(1)~~**59(1)**, point (a).

4. The Commission is empowered to adopt delegated acts in accordance with Article ~~86~~**87** [delegated acts] supplementing paragraph 2, point (g) of this Article, with rules on the criteria for determining the cases of suspected fraud, corruption and irregularity to be reported and on the data to be provided in that context.

*Article 59*

**Submission of the annual assurance package**

1. For the purpose of Article 63 of Regulation (EU, Euratom) 2024/2509, Member States shall submit to the Commission by 15 February of each year ~~following 2028~~**, starting in 2029,** the following documents ('the annual assurance package'):

(a) reporting on the implementation progress of the measures in the **NRP Plan or the Interreg Plan chapter**~~Plan~~ set out in Article ~~58(4)~~**58(3)** [Responsibilities of Member States], in accordance with **Part 2 of** the template set out in Annex IX [Reporting on progress in implementation of measures], ~~referencing~~**and listing** the payment applications submitted ~~in the previous financial year~~**until 31 October of**

**the preceding year, starting with those submitted in 2028 in accordance with Part 1 of the template set out in annex IX**;

(b) the summary of the audits referred to in Article 53(2)(b) [functions of the audit authority];

(c) ~~a~~ management ~~declaration~~**declarations**, in accordance with the template set out in Annex XII, indicating that:

(i) the information submitted with the payment application(s) is complete, accurate and reliable;

(ii) the funds were ~~properly~~ used **in accordance with applicable law**;

(iii) the management and control systems put in place function properly and give the necessary assurance that the funds were managed in accordance with ~~all~~ applicable ~~laws~~**law**, including on the prevention, detection, reporting and correction of conflicts of interests, corruption, double funding, fraud and other irregularities, and in line with the principle of sound financial management;

(iv) the information referred to in point (a) ~~provides a true and fair view of the implementation progress~~**, excluding Part 2 of Annex IX**;

(d) the annual audit ~~opinion~~**opinions** referred to in Article 53(2) [functions of the audit authority] in accordance with the template set out in Annex ~~XII~~**XIII**;

**Pursuant to Article 63(7) of Regulation (EU, Euratom) 2024/2509, the deadline of 15 February may exceptionally be extended by the Commission to 1 March upon written communication by the Member State concerned.**

2. The Commission shall take into account the information provided in the annual assurance package in order to decide whether any of the measures specified in Articles 66, 67 and 68 [interruptions][suspension of payments][financial corrections] are necessary.

3. When submitting the final annual assurance package for the last financial year, the Member State shall confirm that the total payments from the Commission**, excluding technical assistance,** do not exceed the total amount paid by the Member State to the

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beneficiaries **for the operations [in the meaning of Article 63(1)(e)(vi)] at the level of**~~in implementing~~ the Plan, taking into account the national contribution.

*Article 60*

**Responsibilities of the Commission**

1. The Commission shall obtain reasonable assurance that Member States have put in place management and control systems that comply with the requirements laid down in this Regulation and that these systems function effectively and efficiently during the implementation of the Plans.

2. The Commission shall draw up, for the purposes of its own audit work, an audit strategy and an audit plan which shall be based on a risk-assessment and the principle of proportionality.

3. The Commission and the audit authority shall coordinate their audit work.

4. For the purpose of audits, the Commission officials or their authorised representatives shall, in accordance with Article 58(2), point (h) [responsibilities of MS], have access to all necessary records, documents and metadata, irrespective of the medium in which they are stored, relating to the plan implementation, including operations supported by the Fund or to management and control systems and shall receive copies in the specific format requested. The Commission officials or their authorised representatives may request supplementary information and perform on-the-spot audits.

5. The Commission shall carry out audits during the implementation of the Fund and up to three years following the date of the final payment **made by the Commission to the Member State**.

6. **Without prejudice to the possibility to check supporting documents as referred to in Article 58(2)(i),** the Commission ~~is not expected to~~**shall not** verify the underlying costs of the operations ~~for the purpose of its audit work~~**when auditing the fulfilment of milestones and targets**.

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*Article 61*

**Single audit approach**

1. When carrying out audits, the Commission and the audit authorities shall take due account of the principles of single audit and proportionality in relation to the level of risk to the budget of the Union.

2. The Commission and audit authorities shall first use all the information and records ~~referred to in Article 58(2), point (h) (Responsibilities of Member States)~~**available**, including results of management verifications~~,~~ and **information available in the electronic data exchange systems referred to in Article 58(2) points (k) and (l). The Commission and audit authorities** may request and obtain additional documents and audit evidence from the plan authorities and beneficiaries concerned where, based on their professional judgement, this is required to support robust audit conclusions.

3. For Plans for which the Commission concludes that the opinion of the audit authority is reliable, and the Member State concerned participates in the enhanced cooperation on the establishment of the EPPO, the Commission's own audits shall be limited to auditing the work of the audit authority.

4. The Commission and the audit authority ~~may decide not to~~**shall not** audit milestones and targets **and outputs** in any year where they have already been subject to an audit by the European Court of Auditors**, provided that the results of that European Court of Auditors' audit for such milestones and targets and outputs can be used by the audit authority or the Commission for the purpose of fulfilling their respective tasks, in particular in the absence of any new evidence**.

5. Notwithstanding paragraph ~~3~~**4**, any milestone and target **and output** may be subject to more than one audit, if the audit authority concludes, based on its professional judgement, that it is **otherwise** not possible to draw up a valid audit opinion.

6. Paragraph ~~2~~**3** shall not apply where:

   (a) there is a specific risk or suspicion of fraud, corruption or conflicts of interest or another serious non-compliance ~~with the responsibilities of Member States referred to in Article 58 [Responsibilities of Member States]~~;

(b) there is a need to re-perform the work of the audit authority for obtaining assurance as to its effective functioning following the risk assessment exercise performed by the Commission;

(c) there is evidence that the functioning of the audit authority does not comply with the key requirements laid down in Article 53 [functions of the audit authority] and Annex IV [A&~~amp;~~C requirements]. **In such case, the Commission shall inform the audit authority of the reasons for conducting the audit.**

7. The Commission and the audit authorities shall meet on a regular basis and, unless otherwise agreed, at least once a year to examine the audit strategy, the annual control report and the audit ~~opinion~~**opinions**, to coordinate their audit plans and methods, and to exchange views on issues relating to the improvement of management and control systems.

*Article 62*

**Control system for farm stewardship and common fisheries policy**

1. Member States shall as part of the controls referred to in Article 58 [Responsibilities of Member States] verify the compliance of beneficiaries with the requirements of the farm stewardship referred to in Article 3 of Regulation (EU) 202X/XXXX [CAP Regulation] and with **the control system under** Article ~~XX~~**3** paragraph ~~XX~~**4** of Regulation (EU) 202X/XXXX [CFP Regulation].

Where the area ~~eligible for the support referred to in the first subparagraph, as~~ declared in the geo-spatial application referred to in Article 70 [IACS**] for the support under the interventions Article 3(2) of Regulation (EU) 202X/XXXX [CAP Regulation**], does not exceed 10 hectares, the beneficiaries shall be exempted from controls ~~and penalties~~ under this Article **and penalties in Article xx of Regulation (EU) 202X/XXXX [CAP Regulation]**.

Where a beneficiary has been selected for an on-the-spot check on an aid application or on a payment claim, Member States shall, to the extent possible and taking account of the associated risks **and costs of control**, not select that beneficiary for a subsequent check and control sample for that year, except when the circumstances require more than one on-the-spot check in order to ensure the effective protection of the financial interests of the Union. This provision shall not reduce the level of checks.

2. Member States shall make use of their control and enforcement systems in the areas of climate and environment, public health, plant health and animal welfare, social and employment legislation, applicable labour standards, fisheries and aquaculture to ensure that beneficiaries of the support comply with the requirements set out in the first paragraph.

3. The managing authority or paying agency shall be notified where relevant at least once a year of cases of non-compliance where enforceable decisions in that respect have been made under the applicable control and enforcement systems referred to in paragraph 2. That notification shall include an assessment and grading of the severity, extent, permanence or reoccurrence and intentionality of the non-compliance concerned.

4. The administrative penalties referred to in paragraph 5 shall only apply to non-compliance with the requirements of the farm stewardship referred to in Article 3 of Regulation XX [CAP, farm stewardship] where that non-compliance is the result of an act or omission directly attributable to the beneficiary concerned, and where one or both of the following conditions are met:

(a) the non-compliance is related to the agricultural activity of the beneficiary, as defined by Member States in their NRP Plans in accordance with Article 4, point (21), point (a) [framework definition of agricultural activity];

(b) the non-compliance concerns the holding as defined in Article 4(15) [definitions - holding] or other areas managed by the beneficiary situated within the territory of the same Member State.

However, if the non-compliance concerns forest areas, the penalties referred to in paragraph 5 shall not be applied where no support is claimed for the area concerned.

5. Member States shall set up a system of administrative penalties applying to beneficiaries referred to in paragraph 4 who do not comply, at any time in the calendar year concerned, with the requirements of the farm stewardship.

The penalties shall consist of the reduction or exclusion of the total amount of the payments under measures listed in Article 35(1), points (a) to (f), and (o) and (p) to the extent they concern support for local agricultural products, of Regulation (EU) 202X/XXXX [CAP Regulation] granted or to be granted to the beneficiary concerned in respect of aid

~~applications that the beneficiary has submitted or will submit in the course of the calendar year of the finding of the non-compliance. The penalties shall be calculated on the basis of the payments granted or to be granted in the calendar year in which the non-compliance occurred. However, where it is not possible to determine the calendar year in which the non-compliance occurred, the reductions or exclusions shall be calculated on the basis of the payments granted or to be granted in the calendar year of the finding of the non-compliance.~~

~~For the calculation of those penalties, account shall be taken of the severity, extent, permanence or reoccurrence and intentionality of the non-compliance determined, in line with the assessment referred to in paragraph 3. A penalty imposed pursuant to the national legislation implementing the legal acts listed in Annex I, parts A and B, to Regulation XX [CAP] for the same act or omission of a farmer or other beneficiary shall be taken into account in the calculation of penalties referred to in the first subparagraph.~~

~~The expenditure which has been reduced as a result of the application of a penalty shall be considered legal and regular. The reduction shall, as a general rule, be 3 % of the total amount of the payments. In the case of intentional non-compliance, the reduction shall be at least 15 % of the amount of those payments.~~

~~Member States shall provide that no administrative penalty shall be imposed if:~~

~~(a) The non-compliance is due to force majeure or exceptional circumstances;~~

~~(b) The non-compliance is due to an order from a public authority.~~

~~6.~~ ~~In case of a non-compliance with Article XX of Regulation (EU) XX [Common Fisheries Policy], the support paid to the beneficiary shall be recovered and an application for support submitted by a beneficiary shall be inadmissible for a specified period of time laid down pursuant to paragraph 8 of this Article, if it has been determined through a final decision by the competent authority concerned that the beneficiary has committed fraud.~~

~~7.~~ ~~Where a case as listed in Article XX of Regulation (EU) XX [Common Fisheries Policy] occurs between in the period of application and the five years after the final payment, the support paid to the beneficiary shall be recovered. The recovery shall be proportionate to the nature, gravity, duration and repetition of the serious infringements or offences by the beneficiary concerned and the importance of support to the economic activity of that beneficiary.~~

~~8. In order to ensure a level playing field among Member States and the effectiveness, proportionality and dissuasive effect of the penalties referred to in paragraph 5 and recoveries and inadmissibility referred to Article XX of Regulation EU XX [Common Fisheries Policy], and in paragraph 6 and 7 of this Article, the Commission is empowered to adopt delegated acts in accordance with Article 86 supplementing this Regulation with~~

~~(a) detailed rules on the application and calculation of the penalties;~~

~~(b) the identification of the threshold triggering, and the period of time of, the inadmissibility as well as the arrangements for recovering the support granted, including thresholds triggering it.~~

*Article 63*

**Data collection and recording**

1. For the purposes of audit and controls, transparency and performance monitoring and evaluation, Member States shall collect, record and store electronically the information referred to in points (a) to (g), **without prejudice to Article 19 of the Performance Regulation,** while ensuring the security, integrity and confidentiality of data and the authentication of users and allowing automated data ~~exchange~~**submission** with the electronic system identified by the Commission:

(a) on the beneficiary:

(i) whether the beneficiary is a public or private law body, or an entity with or without legal personality, or a natural person or a group of natural persons;

(ii) the entity's full legal name, address, and their VAT identification number or tax identification number where available or another unique identifier established at country level;

(iii) if natural person, first and last name, date of birth, locality and ~~national~~**their VAT** identification number **or tax identification number where available or another unique identifier established at country level**;

(iv) information on all beneficial owners of the beneficiary, if any, as defined in Article ~~4(6)~~**3(6)** of Directive (EU) 2015/849 of the European Parliament and of

the Council[9], namely first name(s) and last name(s), date(s) of birth and VAT ~~registration~~**identification** number(s) or tax identification number(s) where available or another unique identifier **established** at country level;

(v) the amount of Union contribution ~~committed~~**as outlined** in the document setting out the conditions for support;

(vi) indication of the associated measure under the Plan with the measure's sequence number and operation's identifier;

(vii) in relation to financial instruments, information whether the beneficiary is the body that implements a holding fund or, where there is no holding fund structure, the body that implements a specific fund, or, where the managing authority implements financial instrument directly, information on the managing authority.

(viii) In relation to CAP interventions referred to in Article 35(1),

- gender**, if applicable**, whether the beneficiary is a farmer, a forest holder, a young farmer, a newly-set-up business; for sectoral interventions, the type of producer organisation;

- geolocation of the holding**, if applicable**, whether it is located in an area with natural or specific constraints as referred to in Article 8 of Regulation (EU) 202/XXXX [CAP Regulation][Payment for natural or other area-specific constraints], in a nitrate vulnerable zone[10], in Natura 2000 area as referred to in Article 9 of that Regulation [Support for disadvantages resulting from certain mandatory requirements];

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9 Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73, ELI: http://data.europa.eu/eli/dir/2015/849/oj).

10 As designed under Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1, ELI: http://data.europa.eu/eli/dir/1991/676/oj).

- the type of farming[11]**, if applicable**, whether the holding is farmed organically[12], the total number of hectares of arable land, **hectares** of permanent grassland area, **hectares** with permanent crops, **hectares** on which no agricultural activity is performed but which are **still** eligible~~,~~ ~~the total number of~~ **hectares,** hectares subject to **farm** stewardship, out of which protected practices;

(b) on the recipient and the final recipient:

(i) whether the recipient or the final recipient is a natural or legal person and in case of a legal person, whether it is a public or a private law body;

(ii) in the case of a legal person, the recipient's or the final recipient's full legal name and their VAT identification number or tax identification number where available or another unique identifier established at country level, and in the case of a natural person, the first and last name of the recipient, the date of birth**, and their VAT identification number or** ~~and~~ the tax identification number where available or another unique identifier **established at country level**;

(iii) for financial instruments concerning interventions supporting the Common Agricultural Policy implemented under shared management, gender **if applicable**, whether the final recipient is a farmer, a forest holder, a young farmer, a newly-set-up business, and the number of contracts signed between the final recipient and the bank;

(iv) the locality of the recipient or the final recipient, namely the address of the recipient when the recipient or the final recipient is a legal person; the region on NUTS 2 level when the recipient or the final recipient is a natural person

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11 As defined in the Union typology for holdings referred to in Article 5b of Council Regulation (EC) No 1217/2009 of 30 November 2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Community (OJ L 328, 15.12.2009, p. 27, ELI: http://data.europa.eu/eli/reg/2009/1217/oj).

12 As laid down in Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/848/oj).



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and is domiciled in the Union or the country when the recipient or the final recipient is a natural person and is not domiciled in the Union;

(v) information on all beneficial owners of the recipient or the final recipient, if any, as defined in Article 3(6) of Directive (EU) 2015/849, namely first name(s) and last name(s), date(s) of birth and VAT ~~registration~~**identification** number(s) or tax identification number(s) where available or another unique identifier **established** at country level;

(vi) the amount of Union contribution ~~committed~~**as outlined in the document setting out the conditions for support**, the indication of the associated measure under the Plan and the operation's identifier.

(c) on the contractor**, which has been awarded a contract following a public procurement procedure above the thresholds identified in the Union public procurement law**:

(i) the name and VAT ~~registration~~**identification number** or tax identification number **where available or another unique identifier established at country level**;

(ii) information on all beneficial owners of the contractor, if any, as defined in Article 3(6) of Directive (EU) 2015/849, namely first name(s) and last name(s), date(s) of birth and VAT ~~registration~~**identification** number(s) or tax identification number(s) where available or another unique identifier **established** at country level;

~~(iii) information on all contracts, namely name, date, reference, contract amount and any relevant identifier or identification number;~~

(iv) indication of the associated measure under the Plan with the measure's sequence number and operation's identifier.

(d) on the subcontractor **of a contractor as referred to in point (c) where the amount of the subcontract exceeds EUR 50 000**:

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(i) the name, VAT ~~registration~~**identification number** or tax identification number **where available or another unique identifier established at country level**;

~~(ii) information on the sub-contract, namely name, date, reference, contract amount and any relevant identifier or identification number;~~

(iii) indication of the associated measure and operation under the Plan with the measure's sequence number and operation's identifier.

(e) on the operation:

(i) name and unique identifier and geolocation of the operation or, for mobile operations, operations implemented in the cloud or operations covering several locations, the location of the beneficiary**. For operations linked to a fishing vessel, the Union fishing fleet register identification number as referred to in Commission Implementing Regulation (EU) 2017/218**;

(ii) short description and objectives of the operation, with the exception of the CAP interventions referred to in Article 35(1), points (a) to (g), (o) and (p);

(iii) unique identifier of the call(s) of proposals and tenders under which the operation was selected ~~and the related information in accordance with Article 12(4) of Regulation (EU) [Performance Regulation]~~;

(iv) date of submission of the application for funding and date of the document setting out the condition for support;

(v) amount of Union contribution as set out in the document setting out the conditions for support;

(vi) amount paid out to the beneficiary for the operation;

(vii) co-financing rate applicable to the associated ~~Chapter of the Plan~~**measure** and, where applicable, additional national financing;

(viii) **the expected** start date and end date of the operation as indicated in the document setting out the conditions for support**, which, if different, shall be**

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**updated to the actual start date and end date upon completion of the operation**;

~~(ix) actual date when the operation is physically completed or fully implemented;~~

(x) currency of the operation as set out in the document setting out the condition for support;

(xi) unique identifier of the Plan under which the operation is supported;

(xii) information on whether the operation is with the participation of a third country or takes place in a third country; if so, identification of that third country;

(xiii) sequence number of the measure, milestone and target, intervention field and performance indicators pursuant to Article 14 of Regulation [Performance Regulation] to which the operation contributes ~~and the progress in achievements and for each indicator~~;

(xiv) for CAP interventions referred to in Article 35(1)**, if applicable**: the eligible area, the farming practices covered where applicable, whether this farming practice is newly implemented, the agricultural sector, group of farmers or area targeted, the type of area supported the area or number of animals or capital insured, the category of investments, the type of training;

(xv) information on whether the financial instrument is combined with programme support in the form of grants within the meaning of Article 71;

(xvi) information on whether the financial instrument operation is implemented across consecutive programming periods concerned below: the 2021-2027 programming period and ~~post- the 2027~~**the 2028**-2034 programming period;

(xvii) where the financial instrument is organised through a holding fund, information about the body implementing a specific fund under the holding fund

(xviii) in relation to financial instrument operations, the amount of private and public resources mobilised in addition to the Funds, by product: loans;

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guarantees; equity ~~of~~**or** quasi-equity; grants within a financial instrument operation.

(f) on Community-Led Local Development, in relation to each Local Action Group (LAG):

(i) number of members by category, number of members in decision making by category and gender, inclusion of young people in decision-making;

(ii) Number of ~~actions~~**operations** implemented by type of beneficiary and by area, number of ~~actions~~**operations** with innovation; amount of Union contribution committed and paid to ~~actions~~**operations** for capacity building and preparatory actions, and for the management, monitoring and evaluation of the strategy and its animation;

(iii) Support of LAG provided for regional development, employment and social policy, or for the development– of coastal **fishing** and aquaculture communities;

(g) on each EIP-AGRI operational group:

(i) title of the project; project coordinator and partner(s): type of partner, name, address, email and telephone; start and end date, objectives and nature of the project; key thematic areas addressed; territorial scope, geographical location; 'practice abstract(s)' with main findings of the project; project contribution to CAP specific objectives; final report.

(ii) if applicable, funding source(s) additional to Union contribution and cofinancing.

2. Member States shall make available to the Commission the information referred to in paragraph 1 ~~two times per~~**as well as the information referred to in Article 12(4) of the Performance Regulation once a** year via automatic data exchange arrangements.

3. In relation to the data referred to in paragraph 1 related to the CAP interventions~~-~~**,** ~~the~~ Member States shall make available to the Commission annually at the latest by 31 October of the year N the information concerning area and animal-based payments made in

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**relation to** claim year N-1, sectoral interventions implemented in calendar year N-1, and any other interventions **referred to in Article 35 (1)** as appropriate.

4. Member States shall set up their systems for collection of data in a digital-ready and interoperable way based on the principle that data is collected only once and re-used. Member States shall ensure that beneficiaries, recipients, final recipients, contractors and sub-contractors are to the extent possible not confronted with duplication of data requests, have access to all relevant data related to them and can easily reuse these data to complete and submit applications. Whenever possible, Member States shall re-use existing registers and databases.

5. The Commission is empowered to adopt delegated acts in accordance with Article ~~86~~**87** [Exercise of the delegation] to amend the data categories set out in paragraph **1.**

*Article 64*

**Transparency**

1. The Member State shall, within six months of the adoption of the Council decision referred to in Article 23 [Commission proposal and Council implementing decision], ensure that a website **or a website portal** is operational where information on support under this Regulation is available, covering the Plan's objectives, activities, available funding opportunities and achievements.

2. The Member State shall ensure the publication of the information set out in Article 63(1) [Data collection and recording] on the website referred to in paragraph 1 of this Article, subject to the protection of personal data and the exceptions listed in paragraph 5 of this Article. The information shall be updated at least every six months.

By way of derogation from the first subparagraph, as regards CAP interventions referred to in Article 35(1), Member States shall ensure by 31 May of the year N+1 the publication of the information referred to in Article 63(3) [Data collection and recording], with the exception of the data referred to in points (a)(~~iv), (a)(ix~~**viii**) and (e)(xiv) of paragraph 1 of that Article.

The Member State shall also ensure the publication on that website of the elements referred to in Article 12(4) of Regulation (EU) [Performance Regulation] in relation to calls for proposals

and tenders under the Fund, as well as a timetable of the planned calls for proposals under the Fund, with those elements, that is updated at least two times a year.

The information shall be in **at least one of** the official ~~language or~~ languages of the ~~Member State and/or in either English, French or German~~**institutions of the Union**, and shall remain available on the website for two years from the date of its initial publication. The data published on the website referred to in paragraph 1 shall be in a digital-ready, open, interoperable and machine-readable format, which allows data to be sorted, searched, extracted, compared and reused.

3. The Member State shall, before publication takes place in accordance with paragraph 2, inform the beneficiaries and request them to inform recipients, final recipients, contractors and subcontractors that the data will be made public.

4. The Commission shall publish the data as referred to in paragraph 2 of this Article on the centralised website referred to in Article 12 [Single Gateway] of the Regulation [Performance Regulation].

For the purposes of the first subparagraph, the Commission shall publish the share of the Union contribution in the amounts referred to in Article 63 [Data collection and recording]. The Union contribution shall be established by multiplying the amounts referred to in Article 63 [Data collection and recording] to the co-financing rate applicable to the associated ~~Chapter~~**measure** of the Plan. Amounts in currency other than euro shall be converted to euro by using the monthly accounting exchange rate referred to in Article 19(3) of Regulation (EU, Euratom) 2024/2509.

5. Information shall not be published where Union law or national law excludes such publication for reasons of security, public order, criminal investigations, or where the information falls under points a) to d) of Article 38(3) of the Regulation (EU, Euratom) 2024/2509. **Such information may include the assessment referred to in Article 22(2b)(m).**

Information on name and surname of farmers **and fishers, as well as aquaculture producers who are natural persons,** shall not be published if the amount received by them in one year is equal to or less than EUR ~~2500~~**3000**.

# CHAPTER II

# Rules on payments

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*Article 65*

**Submission and assessment of payment applications**

1. Payments by the Commission shall be made in accordance with the budget appropriations and subject to the available funding.

2. The Member States shall submit to the Commission a payment application in accordance with the template set out in Annex XI [template for payment application]. The amounts included in a payment application shall correspond to the ~~amounts justified by the fulfilment of~~**payout values of fulfilled** milestones and targets or **amounts requested for the by** corresponding outputs for ~~other~~**output-based** interventions, in accordance with the decision approving the **NRP Plan and Interreg Plan chapters**~~Plan~~ and based on the evidence collected and verified by the Member State.

3. In assessing the fulfilment of milestones and targets, the Member State shall ~~evaluate~~**assess** each milestone and target in its entirety, taking into account its wording, underlying purpose, and context, pursuant to Annex VIII [Assessment guidelines on the satisfactory fulfilment of milestones and targets under the Fund].

4. Payment applications shall be submitted by the Member States to the Commission in accordance with the template set out in Annex XI up to six times a year by 31 October.

**By way of derogation from the first subparagraph, Member States shall submit payment applications related to interventions referred to in Article 35(1), points (a) to (g), (o) and (p) not earlier than 1 December of the claim year of such interventions. These applications shall only be taken into account for the purposes of the annual assurance package issued for the calendar year following the year in which the application was submitted.**

5. Payment applications shall not be admissible if the latest assurance package due has not been submitted yet in accordance with Article 59 [annual assurance package] and until such time that it is submitted.

6. Subject to available funding, the Commission shall make the payment within 60 days of the date on which it receives a payment application. ~~Amounts may be paid in one or more instalments.~~

7. The cumulative total amount of pre-financing and payments made shall not exceed 95 % of the contribution from the Funds to the **NRP Plan and to the Interreg Plan chapter respectively**~~Plan~~. When this ceiling is reached, the ~~coordinating~~ authority **assuming the coordination function** shall continue transmitting to the Commission payment applications. Without prejudice to the provisions of Articles 66, 67 and 68, the Commission shall pay the final balance no later than 10 months after the receipt of the ~~documents for the last year of implementation.~~**final assurance package.**

8. The Commission is empowered to adopt a delegated act in accordance with Article 86 to amend Annexes VIII and ~~IX~~**XI** [on the payment application and the fulfilment of milestones and targets]. **Those amendments shall be strictly limited to addressing problems experienced by the Member States in the process of implementation of this Regulation.**

*Article 66*

**Time limits and interruption of the payment deadline**

1. Where a time limit is set for the Commission to take any action towards Member States, that time limit shall start when all information in accordance with the requirements laid down in this Regulation has been submitted by the Member State.

2. That time limit shall be suspended from the date following that on which the Commission sends its observations or a request for revised documents to the Member State and until the Member State responds to those observations or provides those documents.

3. Taking into account the information at its disposal and **duly respecting** the principle of proportionality, the Commission may interrupt the payment deadline **for the measures concerned, except for pre-financing,** for a maximum period of six months or, in respect of loan support, take any measure available under the loan agreement, where ~~any of the following conditions is met~~**the Commission has a reasonable suspicion that**:

(a) ~~that~~ information suggests a serious non-compliance of a Member State ~~with the obligations laid down in Article 58 [responsibilities of Member States],~~ for which corrective measures have not been taken**, or**;

(b) ~~the Commission intends to carry out verifications in particular to determine if one or more~~**information suggests that a** milestone or target or output included in a payment application has not been **achieved or** fulfilled**, and the Commission intends to carry out verifications,** or ~~achieved~~;

(c) **information suggests that** a milestone or a target, for which a payment has been disbursed, may have been reversed pursuant to Article 69 [**durability and** reversals].

4. The Commission shall inform the Member State concerned of the reasons for the interruption in writing and, where relevant, shall request it to remedy the situation.

*Article 67*

**Suspension of payments**

1. The Commission may suspend all or part of the payments **for the measures concerned under NRP Plans and Interreg Plan chapters, except for pre-financing**, or, in respect of loan support, take any measure available under the loan agreement, ~~taking into account~~**duly respecting** the principle of proportionality, in any of the following cases~~:~~

(a) the Member State has failed to take the corrective measures to remedy the situation giving rise to an interruption under Article 66(3) [interruption], point (a);

(b) there is a serious non-compliance ~~with the obligations laid down in Article 58 [Responsibilities of Member States],~~ for which corrective measures have not been taken;

(c) one or more milestone or target or output included in a payment application has not been fulfilled **or achieved,** or a milestone or a target, for which a payment has been disbursed, has been reversed pursuant to Article 69 [**Durability and** reversals];

(d) there is a reasoned opinion by the Commission in respect of an infringement procedure under Article 258 TFEU on a matter that puts at risk the effective implementation of the measures~~.~~**;**

**(da) the Commission has concluded that a Member State does not comply with the adjustment programme and Memorandum of Understanding referred to in Articles 3 and 3a of Council Regulation (EC) No 332/2002.**

**1a. The Commission may make a proposal to the Council to suspend all or part of the payments for the measures concerned under NRP Plans, except for pre-financing, or, in respect of loan support, take any measure available under the loan agreement, duly respecting the principle of proportionality where the Council has decided that a Member State:**

~~(e) the Council has decided that a Member State:~~

(i) has not taken effective action to correct its excessive deficit, unless the Council has adopted a recommendation under Article 25 of Regulation (EU) 2024/1263 of the European Parliament and of the Council in the event of a severe economic downturn in the euro zone or the Union as a whole;

(ii) has not taken corrective action to correct its excessive imbalances, unless the Council has adopted amendments to its recommendation under Article 9(4) of Regulation (EU) No 1176/2011 of the European Parliament and of the Council;

(iii) has decided that a Member State does not comply with the policy requirements contained in the macroeconomic adjustment programme referred to in Article 7 of Regulation (EU) No 472/2013 of the European Parliament and of the Council for reasons within the control of the Member State concerned.

~~(f) the Commission has concluded that a Member State does not comply with the adjustment programme and Memorandum of Understanding referred to in Articles 3 and 3a of Council Regulation (EC) No 332/2002.~~

**The Council shall decide on that proposal by means of an implementing act. That implementing act shall only apply with respect to payment applications submitted after the date of the adoption of that implementing act.**

2. Before taking a decision on a suspension, the Commission shall inform the Member State of its conclusions and give the Member State the opportunity to present, within two months, its observations on the Commission's assessment. The deadline may be extended

if mutually agreed. The Commission shall take into account all relevant information and observations provided by the Member State before taking a decision on the suspension.

3. The Commission shall lift the suspension when the Member State has taken corrective measures remedying the elements referred to in paragraph 1. Such measures may include the amendment of the **NRP Plan and of the Interreg Plan chapters**~~Plan~~ inserting additional conditions for payment.

**4. Paragraph 1 points (d) to (da) and Paragraph 1a shall not apply to the Interreg Plan chapters.**

*Article 68*

**Financial corrections by the Commission**

1. **Duly respecting the principle of proportionality,** the Commission shall apply financial corrections to reduce ~~proportionately~~ the Union financial contribution **under the Plan** and, where applicable, recover from the Member States any amount due to the Union budget **except for technical assistance**, or, in respect of loan support, take any measure available under the loan agreement, where it determines that one of the following situations exists:

(a) the Member State concerned has not taken the necessary measures referred to in Article ~~67(2)~~**67(3)** [Suspension of payments] and where payments have been suspended for at least six months**. The timeline may be extended to 9 months if mutually agreed**;

(b) there is fraud, corruption or conflicts of interests affecting the financial interests of the Union, which was not detected and reported and corrected by the Member State;

(c) there is a serious non-compliance ~~with the obligations laid down in Article 58 [Responsibilities of Member States],~~ for which corrective measures were not taken by the Member State;

(d) amounts were paid out for an unfulfilled milestone or target or unachieved output, which was not detected and reported by the Member State and corrective measures have not been taken by the end of the Plan; where a Member State reports such

findings to the Commission, the suspension procedure set out in Article 67(1), point (c), (Suspension of payments) applies;

(e) a milestone or target, for which a payment has been disbursed, has been found to be reversed**, in accordance with Article 69, within five years** after the ~~last~~**date of the Commission** payment ~~made under the Plan~~**corresponding to the achievement of the milestone or target** and corrective measures were not taken by the end of the Plan.

2. When deciding on the amount of the financial correction, the Commission shall respect the principle of proportionality and shall take into account the seriousness, frequency and financial implications of the deficiencies listed in paragraph 1. It shall as much as possible correspond to the actual financial loss or risk for the Union budget. Where the actual level of undue payments, and the amount of financial damage suffered by the Union, cannot be determined by the Commission with reasonable effort, the Commission may determine the amount by applying extrapolated or flat-rate corrections in accordance with Annex XIV [Determination of the level of flat-rate financial corrections].

In case of an unfulfilled milestone or target**, or unachieved output**, which was not detected and reported by the Member State, as referred to in paragraph ~~2~~**1**, point (d), the value of the correction applied by the Commission shall be determined in proportion to the part which is unfulfilled **or unachieved**.

Where a final milestone or target of a given measure was not fulfilled, the value of the correction applied by the Commission shall be determined in proportion to the implementation of the measure, taking into account the previous payments made.

3. Before taking a decision on a financial correction, the Commission shall inform the Member State of its conclusions and give the Member State the opportunity to present, within two months, its observations on the Commission's assessment. The deadline may be extended if mutually agreed. The Commission shall take into account all relevant information and observations provided by the Member State before taking a decision on the application of the financial correction.

4. Without prejudice to paragraph 1, the Commission shall reduce proportionately the support and recover any amount due to the Union budget in all cases affecting the financial

interests of the Union or the achievement of milestones ~~and~~**,** targets **and outputs** that have not been corrected by the Member State or serious non-compliance with the key requirements mentioned in Annex IV [key requirements]~~, or with the obligations laid down in Article 58 [Responsibilities of Member States]~~ that was not corrected by the Member State– by the submission of **the final** assurance package**. Member State may reuse the amounts concerned where Member State agrees to the financial correction for cases referred to in Article 68(1)(c) before the adoption of the decision referred to** in the ~~final accounting year~~**third paragraph**.

5. Where following the amendment of a Plan, a measure for which amounts were disbursed for completed milestones or targets, is removed, amounts previously disbursed shall be recovered without reducing the Union financial contribution and reprogrammed towards other measures.

*Article 69*

**Durability and Reversals**

1. The Member State shall ensure that the fulfilment of any of the relevant milestones and targets **laid down in the Plan** remains ensured for ~~at least~~ five years ~~after~~**from** the date of the Commission payment corresponding to the achievement of the milestone or target**, except cases of force majeure**.

2. Where the Commission considers that **a milestone or a target that was previously considered as fulfilled cannot any longer be considered as such in the light of** the requirements laid down in paragraph 1 ~~have not been respected~~, or where the Member State informs about the reversal in the assurance package, the Commission shall follow the procedures referred to in Articles 66, 67, 68 [interruption, suspension of payments, correction].

3. Paragraphs 1 and 2 shall not apply to investments under the specific objectives laid down in Article 3, point (c), which are not investments in infrastructure unless they are subject to an obligation of maintenance of investment under State aid rules or where such obligation of maintenance is set out in the Plan.

4. Operations supporting relocation shall not be eligible.

*Article 70*

**Integrated Administration and Control System (IACS)**

1. Each Member State shall set up and operate an integrated administration and control system (the 'integrated system'). It shall apply to the interventions listed in Article 35(1), points (a) to (g).

2. To the extent necessary, the integrated system shall also be used for the management of [farm stewardship] referred to in Article XX of Regulation XX [CAP], and in all appropriate cases to the measures referred to in Title VI [provisions on support for outermost regions].

3. The integrated system shall comprise the following elements:

   (a) an agriculture monitoring system (AMS). The AMS is– a procedure of regular and systematic observation, tracking and assessment of agricultural activities and practices by technological means, including Copernicus Sentinels satellite data;

   (b) a geo-spatial and animal-based application system (GSA). The GSA is a digital application tool for the beneficiary to declare agricultural activities and practices of the holding;

   (c) a land parcel identification system (LPIS);

   (d) a system for the identification and registration of animals;

   (e) a system for the identification of beneficiaries of the interventions listed in paragraphs 1 and 2;

   (f) a control and penalty system. Member States shall annually carry out administrative checks on the aid application and payment claims to verify legality and regularity. Those checks shall be supplemented by on-the-spot checks, which may be executed remotely with the use of technology. However, Member States may choose not to carry out on the spot checks where the eligibility conditions of measures are monitored under the agriculture monitoring system referred to in point (a) of this ~~Article~~**paragraph**.

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~~4. Member States shall annually assess the quality of the elements of the integrated system referred to in paragraph 3, points (a), (b) and (c), in accordance with the methodology set up at Union level.~~

~~Where the assessment reveals deficiencies in the elements of the integrated system, Member States shall adopt appropriate remedial actions or, failing that, shall be requested by the Commission to set up a roadmap detailing the timeline for implementing the outstanding remedial actions.~~

~~An assessment report and, where appropriate, the remedial actions and the timetable for their implementation shall be submitted to the Commission by 15 February following the calendar year concerned.~~

~~5. The Commission shall supply the satellite data, required for the agriculture monitoring system, free of charge to the authorities competent for the agriculture monitoring system or to suppliers of services authorised by those authorities to represent them. For the purpose of the quality assessment of the integrated system referred to in paragraph 4, the Commission shall provide them, free of charge, the necessary Very High Resolution imagery. The Commission shall remain the owner of the satellite data and imagery.~~

~~6. Without prejudice to the responsibilities of the Member States for the implementation and application of the integrated system Member States shall establish the European land monitoring system. It shall provide information to farmers to support sustainable management of their holdings. Furthermore, it shall provide data for CAP policy development and monitoring, and promote sharing of farm sustainability data.~~

~~7. The European land monitoring system shall comprise at least the data related to the elements of the integrated system referred to in paragraph 3 and, where applicable, data shared by farmers with public authorities in accordance with Article 10 of Regulation (EU) 202X/XXXX [CAP Regulation]. The Member States may provide additional services to enhance the European land monitoring system with other sources of information to the benefit of the farmers.~~

~~8. Where necessary to ensure that the integrated system provided for in this Chapter is implemented in an efficient, coherent and non-discriminatory way which protects the~~

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financial interests of the Union, the Commission is empowered to adopt delegated acts in accordance with Article 87, supplementing this Regulation with:

(a) rules on the methodology set up at Union level for the annual quality assessment of the elements of the integrated system, referred to in paragraph (3), points (a), (b) and (c);

(b) rules on the LPIS, referred to in paragraph 3, point (c).

9. The Commission may adopt implementing acts laying down rules on:

(a) the form and content of, and arrangements for transmitting or making available to the Commission of:

(i) the assessment report referred to in paragraph (4);

(ii) the remedial actions provided by Member States;

(b) basic features of, and rules on:

(i) AMS;

(ii) GSA;

(iii) LPIS

(iv) the European land monitoring system.

10. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(3) [committee procedure, examination procedure].

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# TITLE XI
# SPECIFIC TYPE OF SUPPORT

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*Article 71*

**Financial instruments**

1. Member States may include in their Plans support to existing or newly created financial instruments**, which contribute to achieving specific objectives,** implemented directly by, or under the responsibility of, the managing authority.

**1a. Financial instruments shall provide support to final recipients in particular for investments in both tangible and intangible assets as well as working capital.**

2. The use of financial instruments and their possible combination with grant support shall be justified with regard to the corresponding market needs and their capacity to de-risk and leverage **funding, including** private capital. The estimated costs of a financial instrument shall be established in accordance with paragraph 11.

3. **The** Member States shall select bodies implementing financial instruments. Where a financial instrument is implemented by a holding fund, the body implementing the holding fund shall select bodies implementing specific funds through transparent procedures.

4. Management fees shall be performance based. **Member States should provide an ex-ante costing when they envisage the attribution of a management fee to the body implementing the financial instrument.**

Where bodies implementing a holding fund are selected through a direct award of contract the amount of management fees shall be subject to a ceiling of up to 7% of the financial contribution of the Plan for equity or quasi-equity products and up to 5% for any other financial products.

Where bodies implementing a specific fund are selected through a direct award of contract the amount of management fees shall be subject to a ceiling of up to 15% of the financial contribution of the Plan for equity or quasi-equity products and up to 7% of the financial contribution of the Plan for any other financial products. **In case a financial instrument**

**provides microfinance, the latter ceiling may be increased by up to 1 percentage point in relation to the estimated amount of contribution from the Plan used for providing microfinance.**

**Where bodies implementing a holding fund or specific funds, or both, are selected through a competitive tender in accordance with the applicable law, the amount of management fees shall be established in the funding agreement and shall reflect the result of the competitive tender. The Member State may update the costing of the investment to reflect the final amount of management fees.**

5. Member States may directly award a contract for the implementation of a financial instrument to the following beneficiaries:

(a) the EIB group

(b) international financial institutions in which a Member State is shareholder

(c) a publicly-owned bank or institution, established as a legal entity carrying out financial activities on a professional basis, which fulfils all of the following conditions:

(i) there is no direct private capital participation, with the exception of non-controlling and non-blocking forms of private capital participation required by national legislative provisions, in conformity with the Treaties, which do not exert a decisive influence on the relevant bank or institution, and with the exception of forms of private capital participation which confer no influence on decisions regarding the day-to-day management of the financial instrument supported by the ~~Funds~~**Fund**;

(ii) it operates under a public policy mandate given by the relevant authority of a Member State at national or regional level, which includes carrying out, as all or part of its activities, economic development activities contributing to the objectives of the ~~Funds~~**Fund**;

(iii) it carries out, as all or part of its activities, economic development activities contributing to the objectives of the ~~Funds~~**Fund** in regions, policy areas or

sectors for which access to funding from market sources is not generally available or sufficient;

(iv) it operates without primarily focusing on maximising profits, but ensures a long-term financial sustainability for its activities;

(v) it ensures that the direct award of a contract referred to in paragraph 4 does not provide any direct or indirect benefit for commercial activities by way of appropriate measures in accordance with applicable law;

(vi) it is subject to the supervision of an independent authority in accordance with applicable law,

(d) other bodies fulfilling the conditions laid down in the Article 12 of Directive 2014/24/EU of the European Parliament and of the Council[13] apply.

6. Financial instruments may be combined with the support in the form of grants in a single financial instrument operation in a single funding agreement, where both distinct forms of support shall be provided by the body implementing the financial instrument. In such a case, the rules applicable to financial instruments shall apply to that single financial instrument operation. The support in the form of grants shall be directly linked and necessary for the financial instrument and shall not exceed the value of the investments supported by the financial product. Separate records shall be kept for each type of support.

7. Final milestones and targets in measures implemented as financial instruments shall require the support to have been provided to final recipients.

8. For activities falling within the scope of Article 42 TFEU, the total amount of support for working capital provided to a final recipient shall not exceed a gross grant equivalent of EUR 300 000 over any period of three ~~fiscal~~ years. ~~The same ceiling shall apply for the maximum amount of aid provided through financial instruments to a given project by young farmer, including for setting-up.~~

[13] Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65, ELI: http://data.europa.eu/eli/dir/2014/24/oj).

9. Grants shall not be used to reimburse support received from financial instruments. Financial instruments shall not be used to pre-finance grants.

10. Support from the ~~Funds~~**Fund** paid to financial instruments shall be placed in accounts in financial institutions domiciled within Member States, **including National Central Banks,** and shall be managed in line with active treasury management and the principles of sound financial management. Interest and other gains attributable to support from the Fund paid to financial instruments shall be used for the same objective **or objectives**, as the initial support from the ~~Funds~~**Fund**, including for the payments of management fees incurred by the bodies implementing the financial instrument either within the same financial instrument; or, following the winding up of the financial instrument, in other financial instruments or other forms of support for further investments in final recipients, until the end of the eligibility period. Any interest and other gains not used in accordance with the previous sentence shall be deducted from the overall support.

11. The estimated costs of a financial instrument shall be established on the basis of the targeted volume of the proposed financial products and the corresponding management fees. The following categories may also be included as part of the estimated costs of financial instruments:

(a) payments to final recipients, in the case of loans, equity and quasi-equity investments;

(b) resources set aside for guarantee contracts, whether outstanding or having already come to maturity, in order to honour possible guarantee calls for losses, calculated on the basis of a multiplier ratio established for the respective underlying disbursed new loans or equity investments in final recipients;

(c) payments to, or for the benefit of, final recipients where financial instruments are combined in a single financial instrument operation in accordance with paragraph 5 of this article.

(d) management fees incurred by the bodies implementing the financial instrument.

(e) Arrangement fees, or any part thereof, charged to final recipients, shall not be included in the estimated costs.

12. Resources paid back, before the ~~end~~**submission** of the ~~eligibility period~~**final assurance package**, to financial instruments from investments in final recipients or from the release of resources set aside for guarantee contracts, including capital repayments and any type of generated income that is attributable to the support from the Fund, shall be re-used ~~in the same or other financial instruments for further investments in final recipients to cover the losses in the nominal amount of the Fund contribution to the financial instrument resulting from negative interest, if such losses occur despite active treasury management, or for any management fees associated to such further investments~~**for the following purposes**, taking into account the principle of sound financial management~~.~~**:**

**(a) further investments in final recipients through the same or other financial instruments in accordance with the specific objectives set out in Article 3;**

**(b) to cover the losses in the nominal amount of the Fund contribution to the financial instrument resulting from negative interest, if such losses occur despite active treasury management, or;**

**(c) for any management fees associated to such further investments, taking into account the principle of sound financial management.**

Member States shall adopt the necessary measures to ensure that during a period of eight years after the ~~end~~**submission** of the ~~eligibility period~~**final assurance package** the resources returned are re-used in accordance with the objectives of the Plan, either within the same or in other financial instruments or in other forms of support.

*Article 72*

**Management verifications and audits of financial instruments**

1. The managing authority shall carry out on-the-spot management verifications in accordance with Article 51 [functions of the managing authority] only at the level of bodies implementing the financial instrument. The managing authority may rely on verifications carried out by external bodies and may not carry out on-the-spot management verifications, provided that it has sufficient evidence of the competence of these external bodies. In the context of guarantee funds, the managing authority may carry out on-the-spot management verifications at the level of the bodies providing support to final

recipients if the evidence of functioning of the management and controls is not available at the level of the body implementing the financial instrument or of the managing authority.

2. The audit authority shall carry out audits in accordance with Article 53 [functions of the audit authority], as appropriate, at the level of bodies implementing the financial instrument. The audit results of external auditors of bodies implementing the financial instrument may be taken into account by the audit authority for the purposes of the overall assurance and on this basis, the audit authority may decide to limit its own audit work. In the context of guarantee funds, the bodies responsible for the audit may conduct audits of the bodies providing support to final recipients if the evidence of support are not available at the level of the body implementing financial instrument or of the managing authority.

3. Managing authorities and audit authorities may rely on the results of the Pillar Assessment conducted in accordance with Article 157 of Regulation (EU, Euratom) ~~2024/2059~~**2024/2509**.

4. The managing authority shall not carry out on-the-spot management verifications at the level of the EIB group, other international financial institutions in which a Member State is a shareholder.

5. The EIB group~~,~~ **and** other international financial institutions in which a Member State is a shareholder shall provide control reports supporting the payment claims to the managing authority.

6. The EIB~~,~~ **group and** other international financial institutions in which a Member State is a shareholder shall provide to the Commission and to the audit authority an annual audit report drawn up by their external auditors by the end of each calendar year. The report shall constitute the basis for the audit authority's work.

7. System audits shall not be performed at the level of individual financial instrument operations.

8. The audit trail shall be available at the level of the bodies implementing financial instruments or at the level of the bodies providing support to final recipients in the context of guarantee funds.

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*Article 73*

**Management verifications and audits for ex-ante assessed entities as beneficiaries**

1. This Article applies where a beneficiary is an entity referred to in Article 62(1), first subparagraph, point (c) of Regulation (EU, Euratom) ~~2024/2059~~**2024/2509**, whose systems, rules and procedures have been positively assessed ex-ante by the Commission pursuant to Article 157(4) and (7) of that Regulation.

2. Managing authorities and audit authorities may rely on the results of the ex-ante pillar assessment carried out by the Commission in accordance with Article 157 of Regulation (EU, Euratom) ~~2024/2059~~**2024/2509**, taking into account supervisory measures referred to in the third paragraph of that Article.

3. For the purposes of the annual assurance package referred to in Article ~~58~~**59**, the managing authority shall require the ex-ante assessed entities to provide documents on the implementation of the Union support, that may be equivalent to those referred to in Article 158(1) of Regulation (EU, Euratom) ~~2024/2059~~**2024/2509**, including a management declaration confirming that the conditions for the use of the Union support have been met.

4. The managing authority may rely on verifications carried out by external bodies at the level of an ex-ante assessed entity and, subject to paragraphs ~~4 and 5~~**5 and 6**, may decide not to carry out on-the-spot management verifications at the level of that entity, provided that it has sufficient evidence of the competence of those external bodies.

5. The managing authority shall carry out on-the-spot management verifications at the level of an ex-ante assessed entity where:

   (a) that managing authority identifies a specific risk of irregularity, including a suspicion of fraud, corruption or conflicts of interest with respect to an operation initiated or implemented by an ex-ante assessed entity;

   (b) that managing authority identifies a specific risk that the Union support provided has not been properly used or that the use of the funding in the implementation of the plans does not comply with applicable law.

6. Audits and controls carried out at the level of an ex-ante assessed entity may be taken into account by the audit authority for the purposes of the overall assurance and, on this basis, the audit authority may decide to limit its own audit work.

7. Where the audit authority identifies a specific risk of irregularity, including a suspicion of fraud, corruption or conflicts of interest with respect to an operation initiated or implemented by an ex-ante assessed entity, it may carry out audits.

*Article 74*

**Territorial development and local cooperation ~~initiatives~~**

1. Member States may establish, and provide support for cooperation ~~in~~**via** the following ~~areas~~**cooperation forms and territorial tools**:

(a) integrated territorial **development, including rural development and sustainable**~~and~~ urban development

(b) community-led local development, including **in the fisheries sector, aquaculture and** LEADER, and other citizens-led initiatives;

(c) smart-village strategies,

(d) projects of the EIP-AGRI operational groups referred to in Article 19(2) [EIP] of Regulation XX [CAP];

(e) quality schemes recognised by the Union or by the Member States~~, and their use by farmers~~;

(f) support producer groups, producer organisations**, associations of producer organisations,** or interbranch organisations;

(g) promote and support intergenerational cooperation, including farm**, fisheries and aquaculture activities** succession;

(h) support other forms of cooperation **and territorial tools** contributing to the specific objectives.

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2. That cooperation referred to in paragraph 1 shall involve at least two ~~actors~~**entities** and shall contribute to achieving one or more of the specific objectives laid down in Article 3 [specific objectives].

3. ~~Member States shall limit the support for setting up of producer groups, producer organisations or interbranch organisations to 10 % of the turnover of the group or organisation with a maximum of EUR 100 000 per year; that support shall be degressive and limited to the first five years following recognition or the start of joint activities intended to lead to recognition as determined by Member States in the Agriculture chapter of their Plans.~~

*Article 75*

**Integrated territorial ~~and urban~~ development~~`~~**

1. Support for **integrated** territorial development shall be based on **existing or new** integrated territorial development strategies, including via community-led local development **strategies or via sustainable urban development strategies**, focused on urban areas, rural areas, islands, coastal areas, or any appropriate territorial area **taking into account, where relevant, functional areas and place-based approach** as well as smart specialisation or territorial just transition strategies, or **sectoral** strategies ~~for decarbonisation developed with the support of Union instruments in the 2021 to 2027 period, taking account, where relevant, of a functional area and place-based approach~~. Corresponding milestones and targets shall be established in the Plan.

2. Integrated territorial development and urban development strategies shall:

   (a) contribute to achieving the objectives laid down in Articles 2 and 3 [Objectives of the Plan];

   (b) set out the geographical area and population covered by the strategy;

   (c) provide an analysis of the development needs and a description of an integrated approach to address the identified development needs;

   (d) set out ~~key~~ objectives with measurable targets;

(e) ~~set out~~**outline** the involvement of partners in the preparation and implementation of the strategy.

3. Strategies implemented pursuant to this Article shall be selected by **the** managing authority~~(ies)~~ in view of providing support~~, including for its preparation~~. They shall be **prepared, where relevant, and** implemented**, in cooperation with the relevant managing authorities,** under the responsibility of the relevant territorial or ~~urban~~**local** authorities or bodies, who shall select or be involved in the selection of operations **with the exception of community-led local development where Article 76(3) applies**.

**3a. Support may be provided for the preparation and design of territorial strategies.**

*Article 76*

**Community-led local development**

1. Community-led local development**, including LEADER,** shall:

(a) focus on subregional areas, **including on** rural and coastal areas;

(b) be designed and implemented by local action groups composed of representatives of public and private local stakeholders, in which no single interest group controls the decision-making;

(c) be carried out through strategies in accordance with Article 75 [Integrated territorial and urban development], supportive of innovative features in the local context, networking and cooperation with other territorial actors

2. Support from the Fund for community-led local development shall cover:

(a) capacity building and preparatory actions supporting the design of the strategy;

(b) preparation and implementation of the operations selected under the strategy, including cooperation activities;

(c) the management, monitoring and evaluation of the strategy and its animation, including the facilitation of exchanges between stakeholders and communication of the strategy and the Union.

3. When preparing and implementing community-led local development, the following tasks shall be carried out exclusively by the local action groups:

(a) preparing the local development strategy;

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

(c) drawing up a non-discriminatory and transparent selection procedure and criteria, which avoids conflicts of interest and ensures that no single interest group controls selection decisions.

**(ca) preparing and publishing calls for proposals;**

(d) selecting operations;

(e) monitoring progress towards the achievement of objectives and evaluating the implementation of the strategy;

(f) communicating of the local development strategy and the role of Union in its support.

4. The local action group may be a beneficiary and may implement operations in accordance with the strategy, provided that the local action group ensures that the principle of separation of functions is respected.

**4a. LEADER local action groups may benefit from support under this Article for activities not covered by Article 18 of Regulation (EU) 202X/XXXX (CAP Regulation) under the conditions set out in this Article.**

*Article 77*

**Support under LEADER**

1. Support provided through LEADER referred to in Article 18 of Regulation (EU) 202X/XXXX [CAP Regulation] shall comply with the following requirements:

(a) the use of simplified cost options shall be mandatory for the costs of operation of the LEADER local action groups;

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(b) support for ~~projects~~**operations** carried out in accordance with the LEADER local development strategies not exceeding EUR 20 000 shall be provided in the form of lump sums and may be differentiated in accordance with objective and non-discriminatory criteria;

(c) support to rural business start-ups for non-agricultural activities in rural areas may be provided in the form of lump sums up to maximum EUR 100 000 and may be differentiated in accordance with objective and non-discriminatory criteria;

(d) the use of simplified cost options shall be encouraged for projects implemented under the LEADER local development strategies.

2. The support provided under this Article may cover the costs of the preparation of the local development strategies or the costs of operations implemented or a combination of both. Member States shall ensure that the costs of operations comply with the requirements laid down for the relevant types of interventions laid down in this Regulation.

*Article 78*

**Use of simplified form of support towards the beneficiaries**

1. Unless provided otherwise in this Regulation, where the total estimated cost of an operation does not exceed EUR ~~400 000~~**300 000**, the public support provided to the beneficiary by the Member State shall take the form of financing not linked to cost or, a unit costs, lump sums or, flat rate, except for operations for which the support constitutes state aid.

2. For operations supported under interventions referred to in Article ~~34(1)~~**35(1) and (11)** [Types of **interventions] and 35b [CFP** interventions], the requirements of the first sub-paragraph shall apply only to those operations of which the total cost does not exceed EUR 100 000**, unless this is not appropriate due to the nature of the intervention or duly justified by the Member State**.

*Article 79*

**Conditions for measures which include operations with phased implementation**

1. Member States may support measures where the underlying operation(s) consist of the second phase of an operation already selected for support and started under Regulation (EU) No 2021/1060, **Regulation (EU) 2021/1139, Regulation (EU) 2021/1147, Regulation (EU) 2021/1149 or under Regulation (EU) 2021/1148** provided that all the following conditions are met:

   (a) the operation~~, as selected for support under Regulation (EU) 2021/1060,~~ has two phases identifiable from a financial point of view with separate audit trails;

   (b) the total cost of the operation referred to in point (a) exceeds EUR ~~5 000 000~~**1 000 000**;

   (c) the costing for the measure exclusively takes into account costs for which expenditure has not been included in a payment application in relation to the first phase;

   (d) the second phase of the operation complies with applicable law and ~~is eligible for support under~~**with the requirements set out in** this Regulation **and, where applicable, the Regulations listed in Article 1(2)**;

   (e) the Member State establishes milestones ~~and~~**,** targets **or outputs** for the second and final phase of the operation.

2. This Regulation shall apply to the measure for which the second phase of the operation is included.

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# TITLE XI
# INSTITUTIONAL AND FINAL PROVISIONS

## CHAPTER 3
## Regulation (EU, Euratom) 2024/2509

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*Article 89*

**Amendments to Regulation (EU, Euratom) 2024/2509**

Article 63 of Regulation (EU, Euratom) 2024/2509 is amended as follows:

(1) in paragraph 5, point (a) is replaced by the following:

"(a) information, providing a true and fair view of the implementation progress during the reference period as defined in sector-specific rules, or their accounts on the expenditure that was incurred during the reference period as defined in sector-specific rules, in the execution of their tasks and that was presented to the Commission for reimbursement;"

(2) paragraph 6 is replaced by the following:

"6. The accounts referred to in paragraph 5, point (a), shall include pre-financing and sums for which recovery procedures are ongoing or have been completed. The information or the accounts referred to in paragraph 5, point (a), shall be accompanied by ~~a~~ management ~~declaration~~**declarations** confirming that, in the opinion of those in charge of the management of the funds:

(a) the information contained therein, including the information referred to in paragraph 5, point (a) is properly presented, complete and accurate;

(b) the expenditure was used for its intended purpose, or the amounts for which payment had been requested from the Commission were in line with the conditions for payment, as defined in sector-specific rules;

(c) the control systems put in place ensure the legality and regularity of the underlying transactions."

(3) in paragraph 7, the first subparagraph is replaced by the following:

"The accounts referred to in paragraph 5, point (a) or the information on the basis of which payment has been requested from the Commission, and the summary referred to in point (b) of that paragraph shall be accompanied by an opinion of an independent audit body, drawn up in accordance with internationally accepted audit standards. That opinion shall establish whether the control systems put in place function properly and ensure the legality and regularity of the underlying transactions and state whether the audit work puts in doubt the assertions made in the management ~~declaration~~**declarations** referred to in paragraph 6. It shall also establish whether the accounts or the information on the basis of which payment has been requested from the Commission give a true and fair view and whether the use of funds complies with applicable law or expenditure for which reimbursement has been requested from the Commission is legal and regular."

**(3a) a new paragraph 7a is added as follows:**

**'7a. For the purposes of Regulation [NRPP Regulation], ensuring legality and regularity of the underlying transactions under paragraph 6 and 7 of this Article shall be understood meaning that the management and control systems put in place effectively verify the fulfilment of milestones, targets and outputs and ensure the use of Union funds in compliance with applicable law.'**

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## ANNEX XV

## Union actions supported through the Facility

Reference: Article 31 [Union actions]

1. The Facility shall contribute to the objectives laid down in Articles 2 and 3 [Objectives], in particular through the implementation of the following actions:

   (a) support urban authorities to develop innovative projects, strengthen capacities of cities and provide a knowledge environment to share know how on sustainable urban development **and facilitate their involvement in EU policymaking and implementation as referred in the EU Agenda for Cities, including the support for the Urban Agenda for the EU**;

   (b) promote social innovation, social ~~experimentation and~~**experimentationand** support to the stakeholders' capacity at local**, regional**, national and Union levels, including via transnational cooperation; promote voluntary labour mobility and well-functioning, cohesive and integrated **European** labour markets including the cross-border dimension of social security systems~~;~~ **and increase employment opportunities through developing and providing specific support services to employers and jobseekers.**

   (c) support microfinance, social enterprise finance, social economy and measures to promote gender equality, skills, education, training and related services, social infrastructure, including health and educational infrastructure and social and affordable housing, including for students and young people, health and long-term care, inclusion and accessibility, with a focus on integrating people in vulnerable situations, including people experiencing or at risk of poverty, social exclusion or discrimination.

   (d) foster evidence-based policy making in the areas related to the implementation of the European Pillar of Social Rights, in particular on quality and sustainable employment, social inclusion, education and skills, social finance ecosystems and health and safety at work;

(e) support the implementation of the Common Fisheries Policy, inter alia to provide scientific advice, data collection and knowledge for the purposes of promoting sound and efficient fisheries management decisions; develop and implement the EU fisheries control system, promote clean and healthy oceans, develop and disseminate market intelligence for fishery and aquaculture products, promote maritime security and surveillance;

(f) support the implementation of the ocean policy **following the guiding principles of the European Ocean Pact**, including through **ecosystem based** maritime spatial planning, sea basin strategies and maritime regional cooperation, the implementation of the European ~~ocean~~**Marine** Observation and data network, as well as the improvement of ocean skills and literacy, and sharing of socio-economic and environmental data on the sustainable blue economy, and the implementation of the international ocean governance policy;

(g) promote a common policy in the areas of health and safety for humans, animals and plants, and animal welfare, including to support measures for ~~the eradication~~**prevention, surveillance, detection**, control and ~~surveillance~~**eradication** of animal diseases, zoonoses and plant pests**, emergency measures**, measures aiming to address antimicrobial resistance, sustainable food production and consumption, and to provide for Union-wide measures to ensure a uniform and reliable implementation of those policies;

(h) collect farm-level data on sustainability in accordance with Regulation (EC) No 1217/2009 setting up the Farm Sustainability Data Network (FSDN) and support information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries in accordance with Regulation (EU) No 1144/2014;

(i) address urgent and specific needs as a response to ~~a crisis situation such as~~ major**, national** or regional natural disaster, and foster repair and recovery in view of increasing resilience following ~~a crisis~~**natural disasters**;

(j) Unity Safety Net support to respond to market disturbances and stabilise agricultural markets through measures adopted pursuant to Articles 8 to 21 of Regulation (EU)

No 1308/2013 and exceptional measures adopted pursuant to Articles 219 to 222 of that Regulation;

(k) provide technical support to:

(i) help Member States carry out the measures set out in their Plans, address the challenges identified in the country-specific recommendations or in other relevant documents listed under Article 22(2), point (b), implement Union law, and further the policy objectives laid down in Articles 2 and 3 [Objectives];

(ii) promote innovative approaches and exchanges of best practices across Member States by means of multi-country projects for the implementation of reforms and investments, also to de-risk and leverage private investments, to address common challenges, to facilitate the consistent implementation of Union law, and to further the policy objectives laid down in Articles 2 and 3.

Technical support measures include the provision of expertise, the carrying out of studies, the collection of data and statistics, the development of common methodologies, capacity building actions to acquire and increase expertise or knowledge, as well as measures aiming to improve systems, procedures, and organisational structures.

(l) contribute to the objectives set out in Regulation (EU) 202X/XXX [migration, asylum and integration], Regulation (EU) 202X/XXX [integrated border management and visa policy] and Regulation (EU) 202X/XXX [internal security]**, including situations of crisis and force majeure in the field of migration and asylum defined in Article 1(4) of Regulation 2024/1359**;

(m) support cross-border and multi-country projects, in particular Important Projects of Common European Interest (IPCEI), and interregional innovation investments to strengthen EU value chains via co-investments from multiple project partners; with particular emphasis on development of value chains in less developed regions, contributing to closing the innovation gap, the creation scaling of startups and enhancing cohesion; preparatory, monitoring, administrative and technical activities related to the elements of the reference framework;

(n) support LIFE actions including strategic nature projects, strategic integrated projects and ~~strategic~~**standard** action projects **with a focus on nature and biodiversity,**

**climate adaptation and non-industrial climate change mitigation, water resilience and pollution prevention circular economy and energy transition** that address environmental policy priorities with a cross-border or transnational dimension, activities that underpin the design, implementation, monitoring, evaluation, and enforcement of environmental and climate legislation and policies, promote the development of governance at all levels, support and empower of networks and civil society organisations as well as other projects of Union interest contributing to the implementation of environmental law and policies.

2. In order to support actions under Annex XV(1), point (i), the Member State may request additional support from the Facility as referred to in Article 34(3) ~~as a consequence of~~**.** **Support is conditional to the following**:

i. a major natural disaster in a Member State resulting in direct damage estimated at over EUR 3 billion in current prices or more than 0,6% of its Gross National Income (GNI) (the lower amount applies as threshold). In this case, the support from the EU facility is set at 2,5% of the total direct damage up to the threshold plus 6% of the damage above the threshold, subject to budgetary availabilities;

ii. a regional natural disaster in a region at NUTS 2 level of a Member State resulting in direct damage in excess of 1.5% of that region's Gross Domestic Product (GDP) (1% of the regional GDP for the outermost regions). In this case, the support from the EU facility is set at 2,5% of the total direct damage, subject to budgetary availabilities;

iii. in the case of damages resulting from a major natural disaster in a neighbouring country, the support from the EU facility is set at 2,5% of the total direct damage, subject to budgetary availabilities.

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