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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	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 (NRPP regulation) *- Partial general approach*

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 ('NRPP 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 NRPP 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. To facilitate the discussions, the NRPP Regulation proposal was examined based on thematic blocks. For the purpose of the preparation of partial general approach in Coreper, the Regulation is examined in its entirety, except for the recitals and the bracketed elements.

II. PROGRESS IN THE COUNCIL

3. Following extensive discussions at the level of the AHWP NRP, several provisions of the Regulation were discussed at Coreper on 6 May for further guidance. Overall, the progress in the Council is summarised below.

4. The Presidency focused on clarifying the general and specific objectives of the NRP Plan (Articles 2 and 3), 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 strengthened the visibility of Cohesion Policy, CAP, CFP and the Home Affairs within the general and specific objectives and clarified the relationship between the NRPP Regulation and the ERDF/Cohesion Fund and Interreg Regulation. The role of competitiveness and environmental protection within the specific objectives was reinforced, alongside a further strengthening of key policy areas. After the Coreper discussion on 6 May, the Presidency has made further targeted adjustments in the specific objectives and the definitions of the Regulation.

5. The Presidency reinforced the role of the regions in the partnership approach, while also allowing for more flexibility in the organisation of the partnership. It also clarified the relationship with the Performance Framework Regulation and the approach to avoid double funding. With regard to the compliance with the horizontal conditions related to the Charter of Fundamental Rights and to the rule of law, the Presidency compromise

texts have finetuned the respective procedures, the applicable timeframes and the application of the horizontal conditions to the Interreg Plan Chapters, striking a particularly delicate balance between diverging sensitivities.

6. On the financial rules of the Regulation, the Presidency enhanced the 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 was clarified that, without prejudice to the requirements set out in Article 58 (Responsibilities of Member States), Member States will not be required to verify the underlying costs when assessing the fulfilment of milestones and targets. The provisions on technical assistance at the initiative of the Member States were clarified, with the possibility to finance technical assistance in the NRP Plans on top of the flat rate, which in turn has been increased. Furthermore, the compromise proposals introduced additional safeguards, enhanced flexibility and predictability for Member States in relation to financial corrections, interruption and suspension of payments and decommitments, including, in certain cases, the possibility to reuse corrected funds. A definition of serious non-compliance was introduced, with attention to preserving the ability to ensure the protection of financial interests of the Union. In parallel, the Presidency improved the institutional balance by narrowing the Commission's empowerments, thereby enhancing legal certainty and predictability for Member States, while strengthening the role of the Council in cases of non-compliance with the macroeconomic conditionality.

7. After the Coreper discussion on 6 May, further technical work was undertaken on the flexibility of the rules on payments. In particular, the rules on the submission of payment applications and the applicable timelines were changed to allow for more flexibility and time for Member States. Furthermore, the procedures as regards interruptions, suspensions and financial corrections were amended to be more in line with the applicable procedures of the currently applicable MFF. On financial instruments, the Presidency clarified the text and organised a technical seminar to deepen the understanding of the provisions at stake. As regards the Annexes, besides a general alignment with the provisions, in Annex VIII (Criteria for the assessment of the fulfilment of milestones and targets), the Presidency provided for the possibility to accept deviations in the assessment of milestones and targets under pre-defined circumstances.

8. The Presidency strengthened the role of the Council in overseeing the implementation of the Facility, focusing on robust governance mechanisms, predictability for Member States, and stronger Council involvement in the mobilisation of Union funds supporting the implementation of Union actions. Particular attention was paid to ensuring continuity with existing Home Affairs arrangements and to the introduction of urgency procedures for the activation of Union Actions in situations of crisis. The Presidency also clarified the scope of crises under the EU Facility, ensuring as much continuity as possible with the current framework, expanded the scope to major public health emergencies, and amended Annex XV accordingly.

9. The Presidency placed particular emphasis on the key role of regions in shaping and implementing the NRP Plans. As regards the content of the Plans, the Presidency adapted the Commission proposal, which required Members States to address all specific objectives, by stipulating that the NRP Plans should ensure that all specific objectives are duly addressed, while having the flexibility to address the sub-areas of specific objectives which are relevant to the Member State. Furthermore, the procedures for the approval and amendment of the Plans, as well as the mid-term review were simplified, the Commission's possibility to suggest additional measures to those proposed by the Member States was removed, the treatment of VAT was clarified, and the obligation for Member States to ensure that cost estimates remain reasonable and plausible throughout the implementation of the Plans was softened. Annex V (Template for the NRPP) was thoroughly aligned with the compromises on requirements for the Plan and adjusted in order to differentiate milestones and targets from output-based interventions, as well as it was aligned with the compromises proposed for the Performance Framework Regulation proposal. In addition, clarifications were introduced as regards the methodology for calculating the payout values.

10. On governance and monitoring of the Plans, the Presidency provided more continuity with existing national and regional governance structures and mechanisms, thereby avoiding unnecessary administrative burden, including transforming the proposed coordination authority into a coordinating function better reflecting the specificities of Member States' administrative set-ups. It 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 compromise proposal allows Member States not to use simplified cost options and

financing not linked to costs if duly justified. The Annexes relevant to this block were thoroughly aligned to the compromises proposed on provisions. The Presidency made a particular effort in order to enhance clarity of the information and actions required from the Member States on the one hand, and to provide continuity with the current system where possible and applicable to a performance-based system.

11. In order to enhance the visibility of the CAP and the consistency of the provisions applicable to it and responding to the delegations' call, the Presidency transferred several provisions on CAP and CMO from the NRP Regulation to the relevant sectoral Regulations. The Presidency has been aligning the definition of farmer in Article 4 and the types of CAP interventions in Article 35(1) with the texts being developed in the Working Party on Horizontal Agricultural Questions. The Presidency provided for a new Article on transitional arrangements for CAP interventions and the continuity of payments for the IACS interventions in case the NRP Plans are not approved in time, and provided for a definition of rural areas at the request of many delegations, providing the necessary flexibility to adjust to national specificities. Furthermore, it separated the provisions on fisheries and aquaculture into two separate Articles and clarified the application of the NRPP Regulation provisions to them. Lastly, two technical transfers on CAP related provisions have been made to enhance the coherence of the legal texts.

12. The Presidency clarified the application of the provisions of the NRPP Regulation in relation to the SCF Regulation.

III. WAY FORWARD

13. The Presidency considers, with the latest changes made in doc. 9778/26, the compromise text as described in section II as stable, and is convinced that as a whole, the text presented is a balanced compromise between the different positions and priorities of Member States. The Presidency is therefore determined to reach a partial general approach (excluding the elements placed between square brackets and recitals) at the June General Affairs Council meeting.

14. The Permanent Representatives Committee is therefore invited to suggest to the Council (General Affairs) to reach a partial general approach at its meeting on 16 June in Luxembourg.

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