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## INFORMATION

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From:	General Secretariat of the Council
To:	Working Party on Structural Measures and Outermost Regions
N° Cion doc.:	7682/25 (COM(2025) 123 final) 7690/25 (COM(2025) 164 final)
Subject:	- Proposal for a Regulation amending Regulations (EU) 2021/1058 and (EU) 2021/1056 as regards specific measures to address strategic challenges in the context of the mid-term review - Proposal for a Regulation amending Regulation (EU) 2021/1057 establishing the European Social Fund + (ESF+) as regards specific measures to address strategic challenges - MS questions

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Delegations will find attached MS questions on Commission's proposals for a Regulation amending Regulations (EU) 2021/1058 and (EU) 2021/1056 as regards specific measures to address strategic challenges in the context of the mid-term review, and for a Regulation amending Regulation (EU) 2021/1057 establishing the European Social Fund + (ESF+) as regards specific measures to address strategic challenges.

## **A modernised Cohesion policy: The mid-term review**

MS questions on docs 7682/25 and 7690/25 in view of SMOR on 9 April 2025

### **AT**

1. The budgetary annex (page 12) of the proposal states that “based on the estimated uptake of the proposal, the total additional pre-financing to be paid in 2026 amounts to EUR [16.1 billion]. At the same time, taking into account payment forecasts and implementation shifts, the net budgetary impact is estimated at EUR [3.6] billion, which will be included in the draft budget 2026. The budgetary impact is budgetary neutral over the MFF duration.” The huge difference between the proposed additional prefinancing of 16.1 bn. € and the 3.1 bn. € requires much more detailed information. Please specify the (changed?) payment forecasts and implementation shifts mentioned which has also not been provided when AT asked this question under “any other business” in the Budget Committee on 03/04/2025.
2. The explanatory memorandum (p. 9) states that “the actual budgetary impact of the increased co-financing rate on an annual basis will depend on the Member States’ uptake and the pace of submission of payment applications.” This is stating the obvious, but in order to assess the sustainability of the Commission proposals and later also for the budgetary procedure we need a well-funded, explained and understandable forecast of the impact. We ask the Commission to provide these necessary details.
3. What is the budgetary effect of the widened scope of the proposal which the Commission expects on a year-by year basis?
4. Art. 1(1)(c) of the proposed regulation includes an amendment of Art. 3 of Regulation (EU) 2021/1058 with a new para 1c that establishes a 100% co-financing rate for a number of priorities (cit. below). Are these 100% co-financing rates in any way conditional on sufficiently large reallocations of funds within the programs, i.e., conditional on a 15% reallocation threshold?

Cit. from Art. 1(1)(c) of the proposed regulation: “[...] By way of derogation from Article 112 of Regulation (EU) 2021/1060, the maximum co-financing rate for dedicated priorities established to support the specific objectives referred to in paragraph 1, points (a)(vii), (b)(v), (b)(xi), (b) (xii), (c)(iii), (d)(vii) and (e)(iii), of this Article shall be 100%.”

### **BE**

#### **Question 1: Modifications to programmes**

1. Some managing authorities have already allocated more than 15% of their programme allocations to STEP in the context of the mid-term review, ahead of the 31 March deadline. Can you confirm that this reallocation — which took place before the publication and of course the entry into force of this ‘modernisation package’ — would still be considered for the purposes of benefiting from the one-off extra pre-financing of 4.5% and the N+3 incentive?
2. To what extent can the potential modifications made to programmes between the release of the legislative proposal and the adoption of the final text be included in the 15% reprogramming to be achieved? Indeed, some changes will not be able to wait until the end of the summer to get adopted.
3. What would happen if a managing authority cannot reach the 15% threshold, even if it demonstrates that it has taken all possible measures within its programme to redirect investment towards the new priorities?

4. Does the EC decision-making process remain the same as for other modifications in accordance with Article 24 (i.e. 4 months after submission of the modified programme)?
5. A 1-year extension is planned for all programmes for which at least 15% of the budget is redirected towards new priority areas. Can you confirm that these new priority areas include STEP?
6. Will the 30% pre-financing and 100% co-financing be valid for STEP if the reallocation is made after 31/03?
7. With regard to the new specific objective on energy transition, does the European Commission also provide for flexibilities?

#### Question 2: Transfer from JTF to ERDF

Can we transfer our JTF allocation to the ERDF? If so, can this transfer concern an area not covered by the Just transition plan?

#### Question 3: ESF – Adaptation of workers

During our analysis of the proposal for an amendment of the ESF+ regulation, we took note that the explanatory memorandum states:

- Under point 5 (Other elements), page 6: for both the paragraph on ‘Defence’ and ‘Adaptation of workers, enterprises and entrepreneurs to change contributing to decarbonisation of production capacities’ it is determined that “[...] such flexibilities are conditioned to reallocating a minimum amount of the programme resources to new priorities”. This suggests that all the flexibilities mentioned in these paragraphs are subject to the condition of the reallocation of a minimum amount of resources.

However, in the amendment of the regulation (pages 8-13) it states:

- In proposed article 5a (1), page 10: the second subparagraph states: “The additional pre-financing referred to in the first subparagraph of this paragraph shall only apply where reallocations of at least 15% of the financial resources of the programme to [...] have been approved”
  - o The first subparagraph to which is referred considers the additional one-off pre-financing of 4,5%
- In proposed article 12c and 12d, page 11-12, no such condition regarding a minimum amount of financial resources is being mentioned in order for the flexibilities to apply
  - o These articles consider the flexibilities of an exceptional one-off pre-financing of 30% and a maximum co-financing rate of 100% on support dedicated to the new priorities (defence and decarbonisation)

Based on beforementioned considerations, we would like to request for a confirmation whether our reading is correct that no minimum amount of program resources needs to be reallocated to the new priorities in order to make use of the flexibilities under articles 12c and 12d? In other words, in contrast to the passage in the explanatory memorandum on page 6, only the flexibilities as mentioned in the new article 5a are conditioned to the reallocation of a minimum amount of programme resources to new priorities (being 15% of the financial resources of the programme)?

## **BG**

### General questions

1. The explanatory notes to both amending regulations refer to “Eastern border regions”. However, the specific provisions of the Regulations refer explicitly to “NUTS2 regions

bordering Russia, Belarus or Ukraine”. Considering the fact that Bulgaria is part of the Eastern EU border, could you confirm our that countries bordering Russia, Belarus or Ukraine through the marine territories of Black See also fall within the scope of the relevant provisions?

2. Is our understanding correct that if a NUTS 2 region bordering Russia, Belarus or Ukraine is covered only by programmes with national coverage, then the entire programmes would be eligible to receive the one-off pre-financing for 2026 of 9,5%?
3. When applying 100% EU co-financing rate, does this call for budget amendment or the SAFE amendment approach is to be followed – by clicking a box without reducing the national co-financing in the priority budget?
4. Are the funds for Technical assistance included when calculating the basis for the 15%?
5. What does the Commission envisages under the reference on p. 19 of the EC Communication – „the Commission encourages Member States to introduce a joint monitoring of key investments supported by cohesion funds”?
6. According to the newly proposed art. 7a, para 5 of the ERDF regulation, resp. art. 5a, para 4 of the ESF+ regulation, “Member States may resubmit a complementary assessment as well as related requests for programme amendments, ... within 2 months of the entry into force of Regulation (EU) XXXX/XXXX [this Regulation]. The deadlines set out in Article 18(3) of Regulation (EU) 2021/1060 shall apply.” Could you clarify how these provisions will be applied considering that:
  - there are no deadlines set out in art. 18(3) of CPR;
  - according to other paragraphs of the same newly proposed articles, MS can make use of the proposed flexibilities “provided that the programme amendment is submitted by 31 December 2025”.
7. According to the last sub-paragraph of the newly proposed paragraph 1c to art. 3 of Regulation (EC) 2021/1058, as well as to para 3 of the new art. 5a of Regulation (EC) 2021/1057 „By way of derogation from Article 112 of Regulation (EU) 2021/1060, the maximum co-financing rate for dedicated priorities established to support the specific objectives referred to in paragraph 1 ... shall be 100%.”. Will each MA/MS be flexible to propose and apply a co-financing rate it considers appropriate or it will be the Commission to decide what shall be the specific co-financing rate for each priority (up to 100%)?

#### ERDF/CF amendment

1. With the proposed amendments to art 3, para 1 (b) (v) the ERDF/CF regulation, the current specific objective 2.5 "promoting access to water and sustainable water management" is revised to “promoting secure access to water, sustainable water management and water resilience”. How shall this amendment apply to programme priorities that are already programmed under this SO? Will they be automatically transferred to the new SO? If they are considered to be programmed under the revised SO, will the proposed flexibilities (related to new pre-financing and new co-financing rate) apply to the transformed Priority? Will these apply retrospectively, or as of the date of the entering into force of the Amended Regulation (EU) 2021/1058? If Not, to which SO should refer the “old” priorities dedicated to water management (currently (b)(v) “promoting access to water and sustainable water management”), presuming that a “new” Priority will also be developed under the new SO (b)(v) “promoting secure access to water, sustainable water management and water resilience”?

2. In case at this stage a MS does not foresee re-programming to support military mobility under the new specific objective proposed in art. 3, para a, (c) (iii), can it still use the available funding under a current transport programme for preparation of investment projects in the area of military mobility?

#### ESF+ amendment

1. We would like to receive more information on the application of art. 12c (2). Does this mean that the funds in the new Priority would not be taken into account when calculating the total funding which is the basis for calculating the thematic concentration? Or this means that funds allocated under thematic concentration may be moved to a new priority and still be considered under the thematic concentration – e.g. resources for youth employment concentration to be included under decarbonization or defense skills? This will also require a change in Art. 11 and a derogation of the requirement to have all youth employment dedicated resources under one priority.
2. Article 5a (2) – Does the extended deadline only cover the annual appropriation for 2027? Would the extension of the implementation of programmes bring a change in the decommitment rules considering the annual appropriations for 2025 and 2026 as well – from N+3 to N+4?

#### JTF amendment

In light of the recent amendment in the fourth subparagraph of Article 8(2), we kindly request clarification on the following points:

1. What is the precise interpretation of the phrase "irrespective of whether the gap analysis was carried out in accordance with Article 11(2), point (h), of this Regulation and irrespective of its outcomes" in the context of eligibility for support?
2. If the requirement under Article 11(2), point (h) —“an indicative list of operations and enterprises to be supported and a justification of the necessity of such support through a gap analysis” - is no longer valid, does this imply that support may be granted for productive investments in large enterprises located in coal regions, even in cases where the territorial just transition plans currently exclude such support due to the absence of a gap analysis and indicative list?

(For example, one out of the three BG coal regions is currently eligible for support for productive investments in large enterprises, since the respective TJTP provides a justification thereof. In the other BG two regions within the scope of JTF, the territorial plans indicate that such support is not eligible (no gap analysis and indicative lists are elaborated). Can support for productive investment in large enterprises be granted for these two regions as well, in accordance with the amendments to the regulation?

If the territorial just transition plan explicitly states that support will not be provided for productive investments in large enterprises, is it necessary to formally amend the territorial plan — and, by extension, the programme — in order to enable such support?

#### CY

1. Would the reinforcement of existing specific objectives with projects that fall under the new priorities, be considered as part of the reallocation and thus, benefit from the proposed flexibilities and financial incentives, or it is necessary to establish a new specific objective for each one of the new priorities? In this regard, we would like to suggest that the threshold of 15% (or lower) be considered on the basis of the Fund Allocation (and not the Programme Allocation) for the case of Member States that have a single national (multi-fund) Programme which includes all the Cohesion Policy Funds and the Just transition Fund. Otherwise, the amount that corresponds to that threshold

based on the Programme allocation will be too high and the reallocation would be very difficult. This will allow the particular MS to reap the benefits of the n+3 flexibility.

2. What is the methodology for calculating the 15% reallocation threshold? In case that more than one specific objectives for the new priorities are established, the 15% will be calculated as the total amount programmed under the new specific objectives?
3. What kind of investments can be eligible under defense and security?
4. What kind of investments can be eligible under affordable housing?

## **CZ**

1. Is it legally sounding to modify parts of the Common Provisions Regulation with amendments in the regulations on the ERDF/CF, ESF+, and JTF?

Explanation: cofinancing, prefinancing, n+2/3 rules (decommitment rules), rules for closure or transfers are set in the Common Provisions Regulation.

2. We would like to know if there is any connection between the legislative proposals regarding the InvestEU (Omnibus II) and the proposed MTR legislative changes.

Explanation: in the currently revised InvestEU regulation (Omnibus II) a new financial instrument is proposed. According to our reading it is not possible to use this new financial instrument without the amendment of the CRP.

3. When can we expect the amendment of the STEP regulation?

Explanation: On page 9 of the communication is indicated the amendment of the STEP regulation. Currently, the defence sector is not an eligible sector.

4. The Czech Republic already submitted the mid-term review to the Commission. It contains a proposal for the establishment of a new financial instrument aimed at supporting water management infrastructure (specifically wastewater treatment plants). In this context, could the newly introduced advantages, namely pre-financing and 100% co-financing, be applied to this initiative – already submitted to the Commission?

5. Do we understand correctly that for projects aiming at, for example, increasing the restoration of water bodies, deployment of nature-based solutions to reduce floods risk and increase the capacity of ecosystems to store water, mitigating the impacts of drought and extreme climatic conditions, it is proposed to allow a co-financing rate of up to 100%, with the entire 100% being subject to certification? If we understand this correctly, the draft amendment to the Regulation 2021/1058 should also mention point (b)(iv) " promoting climate change adaptation and disaster risk prevention and resilience, taking into account eco-system based approaches", in addition to points a) (vii), (b)(v), (b)(xi), (b)(xii), (c)(iii), (d)(vii) and (e)(iii), since point (b)(iv) already allows for this support. Therefore, the 100% co-financing rate should be also applied to the current point of the current version of the ERDF regulation (b)(iv).

6. Why is the transfer of funds to strengthen the European Urban Initiative only possible for the ERDF? Why is it not possible to involve the JTF resources?

7. The Czech Republic applies thematic concentration rules at the level of categories of regions. During the mid-term reallocation proposals, we faced limitations stemming from these rules, which hindered our ability to transfer funds. To fully leverage the opportunities for reallocations into new specific objectives, we believe it will be necessary to ease the thematic concentration requirements for individual categories of regions—specifically, to allow more flexible transfers between them. Is the

Commission fully aware of these limitations, and does it plan to ease them in order to allow a more straightforward reallocation of funds towards new specific objectives?

8. What is the reason it is not possible to simply broaden the scope of supported activities or eligible beneficiaries within the existing specific objectives? From our perspective, this would be a much more flexible process.
9. Could you please explain how can the provisions of Article 18 on the timing of mid-term review be aligned with the newly proposed provisions on programme amendments? According to Art. 18 a programme amendment must have been submitted by 31 March 2025 and the Commission should approve it within 4 months at the latest. However, the new proposal suggests that programme amendments could be submitted as late as 31 December 2025 (in order to be entitled to increased prefinancing) and still be considered as amendments in the context of mid-term review.
  - 9.1 Could you please elaborate in detail what would be the procedure for interrupting/suspending the approval of the original programme amendment and for the submission and approval of the new one submitted in line with the current legislative proposal?
  - 9.2 Could the Commission initiate the suspension of the approval procedure, or could only the Member State request such a measure?
10. In cases where Managing Authorities already need a decision on the use of the flexibility amount due to the advanced stage of programme implementation, would it be possible to get the Commission decision on the submitted MTR first, and only afterwards for the Member State to request further potential reallocations of the remaining funds to new specific objectives or initiatives?
11. Does the new flexibility for the mutual accounting of contributions to climate targets between the ERDF and the CF apply generally to the rest of the programming period, or is this flexibility limited only to cases where the Member State reallocates funds to new specific objectives as outlined in the Commission's communication?
12. The changes include an extension of the supported activities, but the code of categories of interventions in the CPR has not been extended; does the Commission foresee an extension of the code of dimension 1, e.g. to include the area of defense?
13. Following the possibility to postpone the date of eligibility of expenditures to 31 December 2030, there should also be a possibility to postpone the date for submission of the final performance report of the programme, final date for transmission of data according to Article 42 of the CPR, and other obligations at the end of the programming period.
14. The draft regulation suggests two new priorities for the ESF+, under article 12c Support to the defence industry and article 12d Support to adaptation linked to decarbonisation. Based on experience with audits we believe that the new priorities should be very well and clearly defined to avoid future doubts whether supported projects do fall under the scope of those priorities, or do not and hence are not eligible. Baring this in mind we have the following questions:
  - 14.1 What exactly is considered a defence industry? Is there any precise classification or set of conditions to be fulfilled or list of companies that can be supported as defence industry?
  - 14.2 What exactly is considered as adaptation linked to decarbonisation? What exactly does the project or company supported have to fulfil to be eligible under priority 12d Support to adaptation linked to decarbonisation? Will the Members States be required to verify whether the training project led to reducing CO2 emissions of

the supported company or whether the training was (in)directly linked with decarbonisation?

## **DE**

1. We ask for a thorough **assessment by the COM on the budgetary impacts** of the proposals. COM explains that the overall additional pre-financing paid in 2026 will be **EUR 16.1 bn for the ERDF**, and that the net budgetary impact for the 2026 annual budget will be **EUR 3.6 bn** due to increases in ERDF pre-financing and **0.5 bn** due to increases in ESF+ pre-financing. What exactly are the assumptions and calculations leading to these results? What would be the maximum budgetary impact in 2026, i.e. if MS use the proposed “financial incentives” to the full extent? Please refer not only to the additional pre-financing but also potential impacts of the additional co-financing proposed
2. What would be the impact on total investment if there was no national co-financing? What would be the expected financial impact of extending the n+3 rule to 2027 (instead of n+2)? Could COM provide us with estimates of amounts that might be decommitted under the current n+2 rule?
3. Is our understanding correct, that additional pre-financing shall be counted as a payment made in 2025 independently on when the actual payment is made as long as the programme amendment is submitted by 31 December 2025 (new Article 7a in Regulation 2021/1058)? What is the expected impact on potential de-commitments of this proposal?
4. Regarding the **scope of the new specific objectives** related to defence:
  - (a) What is included in the new specific objective under Political Objective (PO) 1? Would it be possible to finance military procurement (e.g. for military equipment, ammunition)?
  - (b) Under PO 3, would it be possible to support any transport infrastructure under the dual use criterion, even if primarily intended for civil use? How would the “primary focus, where relevant” on Military Mobility Corridors be operationalized?
5. Regarding the support of large enterprises (“other than SME”):
  - (a) In what sectors could enterprises other than SMEs be supported?
  - (b) Please provide information on the current market-based financing situation of large enterprises in the defence sector (equity and debt).
6. **What kind of reforms** are envisioned as “related” to affordable housing and therefore eligible for support under the respective new specific objectives?
7. If, as is stated in the recitals as well as in the communication from COM, **self-standing reforms**, which are not accompanied by investments, were to be eligible, **how would the costs be determined**?
8. The proposal is lacking specific requirements with respect to energy efficiency and climate resilience of newly built or restored buildings under the new specific objective under the green PO 2 for affordable housing. How shall it be ensured that those dwellings will be highly energy-efficient and thus in line with climate goals and affordable for users in the long term? How will climate resilience of those dwellings be ensured?
9. How does the Commission justify the far-reaching flexibility provision in Art. 4 Para 10, making it possible to count investments in road construction for dual use or, under climate and environmental aspects unconditionalized, funding of housing investments



as green investments contributing to climate and environment? As the proposal does not mention the ambition for biodiversity funding, can we assume that this is maintained?

10. As Art. 6 CPR is to remain unchanged, how substantial could the proposed flexibility really be?
11. For the additional pre-financing of 4.5%, as well as the prolongation of the eligibility period, it would be required to reallocate at least **15% of resources**. When calculating this 15% share, what would the approach be regarding **programs that have already reallocated** parts of their resources to the new priorities, notably STEP a. until 31 March 2025, or as part of the mid-term review? b. until 31 August 2024, not having to exercise a mid-term review?
12. We assume that rule of law standards and conditionalities are implemented in an unaltered, consequent manner, also if programmes concerned were to be amended to address the new priorities. We ask COM to confirm that, ceteris paribus, relevant decisions would remain in effect and to clarify whether additional steps to implement the conditionalities would be necessary.
13. With respect to JTF: Art. 2 Para 2 of the proposal would open the JTF for investments into projects involving fossil fuels while the JTF's specifically was created to support decarbonising economies. What is the reasoning of this, what kind of projects could this specifically involve?

## DK

### Thematic concentration

1. ERDF Article 4, para. 10: We would like the Commission to put some clarity upon the thematic concentration provision, as our initial reading of the proposal suggests, that all new specific objectives may be counted towards either policy objective 1 or 2 (or divided between the two). If this interpretation is correct, we can, for example, programme amounts from PO2 to the new specific objective of developing resilient defense or dual use infrastructure under PO3, whereas we still fulfill the thematic concentration requirement set out in Article 4, para. 6, point a) of the ERDF-regulation. Please clarify, whether this interpretation is correct.
2. ERDF Article 4, para. 10: Same as above, but with another situation; Is it possible to programme amounts from PO 2 under, for example, the new specific objective vii) and still respecting Article 4, para. 6, point a) of the ERDF-regulation, if the minimum requirement of 30 pct. on PO2 is only 30 pct. before the transfer?
3. ESF+ Article 12 c, para. 2: We would like the Commission to clarify how this derogation from thematic concentration shall be interpreted. Can the Commission please confirm that resources allocated from, for example, Article 7, para. 4 (social inclusion) to a new dedicated priority for skills in the defense industry under Article 12 c can be established under any specific objective, including the specific objectives set out in Article 4, point a) to g), without violating the requirement of thematic concentration set out in Article 7, para. 4 of the ESF+ regulation.

### Just Transition Fund

1. JTF in general: We would like to ask the Commission to elaborate on why the flexibilities of the ERDF Article 7a are not reflected for JTF in terms of scope, extended eligibility date, decommitment (except for a dedicated JTF-priority in an ERDF-programme)? From our initial reading of the proposal, we do not see any argument to distinguish between dedicated JTF programmes and dedicated JTF-priorities in an ERDF-programme.

2. JTF Article 10, para. 4: Does this provision (together with relevant CPR provisions on programme amendments) allow for transferring JTF-funds from a dedicated JTF-programme to a new dedicated priority in an ERDF-programme? This would allow for the use of the flexibilities in terms of extended eligibility.

## EL

### 1. Threshold and Application of 15% Reallocation Rule

- What is the methodology for calculating the 15% reallocation threshold?
- Will reallocations already carried out under STEP count towards the 15% threshold under the Mid-Term Review (MTR)?
- Will the 15% be calculated at programme level, per policy objective, per Fund (ERDF, ESF+, CF), or otherwise?
- Is it possible to apply a lower threshold in case in cases with high absorption rates?
- Are ongoing projects not included in operational programmes considered valid for threshold calculation?
- What is the rationale behind selecting the 15% threshold?
- If all programmes reprogramme the minimum 15%, what does the European Commission estimate would be the overall impact – both on total investment and on performance?

### 2. Defence

- Will investments in single-use military infrastructure be eligible, or only dual-use?
- Will defence actions be required to comply with environmental and cohesion conditions (e.g., 'do no harm to cohesion')?
- Are national investments in security and defence fully exempt from climate contribution rules under Article 6 CPR?
- Are the costs of setting up defence equipment industries and relocation eligible?
- The actions to be co-financed by ESF+ in relation to the European initiative "REARM Europe" will be targeted in their entirety at existing human resources professionally involved in the military sector and military industrial production units;
- Will it be eligible to target the above actions at unemployed human resources in the Member States who wish to switch to this field of employment?

### 3. Affordable Housing

- Will support include construction, renovation, leasing, and rent subsidies?
- Will student housing and energy systems (heating/cooling) be eligible?
- Will the private sector or PPP be eligible as a beneficiary for student housing?
- Will the housing objective apply to already ongoing projects or only newly programmed ones?
- Will renovation or transformation public buildings to social housing be eligible (handicapped regions)?
- Will construction requirements reflect resilience to climate and earthquake risks?

- Can support for affordable housing be combined with repayable instruments?
- How will consistency be ensured with the upcoming European Affordable Housing Plan?
- Will guidance be provided regarding affordable housing?
- What is the difference between specific objectives 2.xi and the 4.vii? Why are the same indicators used? PO4 will also support energy performance actions?
- Can one dedicated priority be created to include all the housing related specific objectives (i.e c.xi, d.vii and f.iii) that can benefit from the exceptional re-financing and the 100% co-financing rate?

#### 4. Water Resilience

- Do Programmes, with already existing priorities under PO2 (including SO 2.5), need to be amended in order to reallocate to a new dedicated priority with all water-related investments that correspond to the respective policy objectives?
- Will water-related infrastructure (e.g., waste, reuse, water storage) be eligible under the new objective?
- Will flexibility be granted based on different national priorities in water policy?

#### 5. Decarbonisation and Sustainability

- What does reallocation mean? If resources are allocated to the new specific objective for the energy (xii) and the amount is transferred from the energy sector, specific objective "smart energy systems" where eligibility for interconnections exists, is this transfer considered reallocation? In other words, is reallocation the transfer of resources from a related field of intervention or within the same energy sector?
- What will be the relationship between these actions and the recently established Island Decarbonisation Fund and the existing energy communities in these areas?
- How will the fact that the programmes currently already include training and retraining of human resources in this direction, but that these are embedded in priorities that also include other, completely different, human resources development actions that are also co-financed by ESF+, be addressed?

Can the above-mentioned integrated actions be transferred from the priority to which they currently belong and create a new autonomous priority in order to benefit from the more favourable treatment provided for in the ESF+ regulation currently being amended (pre-financing of 4,5 %, extension for a further year of the implementation period for actions under this priority, etc.)?

#### 6. Large Enterprises and State Aid

- Will support for large enterprises shift funding away from cohesion priorities?
- Under what conditions can large enterprises be supported without breaching State aid rules?
- Will there be specific guidance or consultation with DG COMP on this issue?

#### 7. Reforms

- What types of reforms are eligible (administrative, legal, economic, investment-linked)?

- Can reforms outside the scope of the specific objectives be supported if contributing to programme success?
- What are the 'costs related to reforms not linked to investments' as per COM(2025)123 Recital 10?
- Will implementation reforms (e.g., permitting simplification) be eligible for support?
- Will guidance be provided on eligible reform costs?
- Will enabling conditions be introduced for new priorities under the revised CPR?

#### 8. Mid-Term Review / Modifications

- Can already submitted MTRs be revised or supplemented without withdrawal?
- Will it be possible to submit new MTR amendments before entry into force of revised regulations?
- Will the Commission extend the period for accompanying evaluations of programme changes?
- Can existing programmes be amended to retroactively include the new specific objectives?
- No new fields of intervention are proposed in the regulation amendment. Which fields of intervention will be used in the amendments to the programmes with the new priorities and which will be used to comply with climate change and environmental obligations?
- New priorities should be considered in terms of DNSH and Climate Proofing?
- In order for the programme to benefit from the incentives foreseen, should a new priority axis be created?

#### 9. Eligible Expenditure Period

- Does the one-year extension apply to all operations or only those linked to new specific objectives?
- Does this imply a shift to N+3 or just rebalancing commitments within N+2?
- How will this affect closure deadlines and audit procedures?
- Will the reallocation requirement apply equally to standalone JTF programme? Why is a standalone JTF programme not included among those eligible for the proposed flexibilities?

#### 10. Co-financing and Pre-financing

- Will 100% EU co-financing be allowed across all objectives or only new priorities?
- How will pre-financing be calculated in relation to decommitment rules?
- The 100% co-financing rate was first introduced by the European Commission in STEP, of which the Commission reports that EUR 6 billion has been reprogrammed. What has been the reduction since 2022 in the amount of national co-financing and total investment under 2021-2027 Cohesion Policy programmes?
- What has been the impact of this reduction on output and result indicators?

## 11. Visibility, Transfers, and Instruments

- How will cohesion policy visibility be ensured for funds transferred to central instruments (e.g. European Urban Initiative)?
- Will thematic concentration rules apply to such transfers?
- Is there any ceiling in transfer to central instruments?
- How will the proposed monitoring framework on cohesion investments (COM(2025)163, p. 19) be implemented in practice?
- Will there be alignment with Critical Raw Materials and Net-Zero Industry Acts?
- Will Indicators Fiches be prepared for the proposed new common indicators?

## 12. Fiscal Impact and Absorption

- Will updated impact assessments be shared with MSs?
- How will the Commission monitor the administrative burden on authorities related to these changes?
- Could the European Commission provide an overview of the types of measures it considers Cohesion Policy programmes should stop supporting in order to shift funding to the areas covered by these new specific objectives and STEP?
- How will the cases of programmes with already very high budgets/legal commitments and therefore where it is not feasible to reallocate 15% of the resources be dealt with? Will programmes with high commitments and implementation be deprived of the benefits of the proposals?

## 13. Identify the projects under the RRF that are at risk of non-completion and that could be considered for funding from ERDF/CF

- Will more specific proposals for amendments to regulations for transferring projects from RRF to ERDF/IFA be provided?
- Will the corresponding budget of the transition projects be covered by the available funds of the Operational Programmes 2021-2027; will there be additional incentives; will the corresponding resources be transferred from the RRF?

## ES

1. Will all operations (pre-existing or new) programmed under the two new Specific Objectives (SOs) to be included in the ERDF Regulation benefit from the financial conditions of the new proposal (i.e., 30% pre-financing in 2026 and 100% co-financing rate), or will only the new operations included in the revised MTR benefit?
2. The Commission's proposal establishes that it will pay a single additional pre-financing in 2026 equal to 4.5% of the total ERDF support set out in the decision approving the programme modification. However, this provision would only apply when reallocations of at least 15% of the programme's financial resources
  - When calculating that 15%, will the STEP reprogramming already submitted by 31 March 2025 be taken into account, or only new reprogramming made after the entry into force of this new proposal?
  - Additionally, regarding the aforementioned 4.5% additional pre-financing: does it refer to the total programme envelope, or only to the amount reprogrammed to the new SOs?

- The JTF is not expressly mentioned in that provision for the additional 4.5% pre-financing. Will it also be eligible? Will the benefits planned for the ERDF and the CF also apply to the JTF?
3. Will the Commission publish any guidance note with more details on the types of operations that may be funded under the two new SOs? Since these are generic priorities, it would be advisable to request greater clarification from the Commission.
  4. In case the new priorities create inconsistencies with the Partnership Agreement (PA), which criteria will prevail? Will it be necessary to also modify the PA?
  5. Some regions that had submitted the STEP reprogramming before 31 March were not required to submit the MTR Report as they were already aligned. Will the new MTR be possible in these cases as well? Will it be necessary to submit the MTR Report in order to implement it in those cases where it was not submitted?
  6. According to the proposed amendment to the JTF Regulation, it will no longer be necessary to carry out the gap analysis to finance large enterprises, as referred to in Article 11(2)(h). However, that paragraph also requires the preparation of an indicative list of operations and enterprises that will receive support. Could the Commission confirm whether or not it will be necessary to prepare such a list? If it is no longer required, shouldn't Article 11(2)(h) be amended accordingly?
  7. Regarding the affordable housing, it will be included in three different political objectives. Will there be any difference between the types of operations eligible for funding under the different policy objectives?

## **FR**

### **Sur les activités de défense**

1. Concernant le nouvel objectif relatif à la mobilité militaire :
  - La Commission confirme-t-elle qu'au titre de l'objectif politique 3 du FEDER, des infrastructures renforçant la mobilité militaire de nature uniquement militaire (et non pas duale) pourront être financées ?
  - Les fonds de cohésion ne pourront-ils financer que des infrastructures physiques, ou le domaine couvert peut être élargi (financement d'études de modernisation des systèmes de transport, volet « software »...) ?
2. Le projet de Révision du Règlements précise « Operations supported under the specific objective set out in point (c)(iii) shall primarily focus, where relevant, on one or more of the four EU Priority Military Mobility Corridors... » : est-il envisageable de financer des projets qui ne se situent pas sur les couloirs de mobilité prioritaires, mais permettent de relier ces derniers aux emprises militaires ?
3. Quelles activités industrielles de défense pourront être financées au titre de l'objectif politique 1 du FEDER (ajout de l'objectif spécifique « enhancing industrial capacities to foster dual use as well as defence capabilities ») ? Est-ce que la création de nouvelles activités serait concernée ?
4. La Commission envisage-t-elle des garanties afin d'éviter des effets d'aubaine de la part d'acteurs économiques, notamment les grandes entreprises, qui n'auraient pas de besoins réels et/ou porteraient des projets pour lesquels la plus-value du financement européen ne serait pas avérée ?
5. S'agissant de la priorité stratégique « Défense et sécurité », des entreprises extérieures à l'UE et à l'Espace économique européen (filiales, joint-ventures,

entreprises rachetées...), bien qu'implantées dans les régions européennes, pourront-elles bénéficier de ces financements ?

6. La politique de cohésion nécessitant la présentation d'un certain nombre justificatifs pour les paiements des projets, qui font par ailleurs l'objet d'audits, comment la Commission entend-elle procéder à cet exercice tout en respectant la confidentialité de certains projets de défense ?
7. En matière d'aides d'Etat, sur quelle(s) base(s) juridique(s) les interventions en faveur de la défense pourront-elles s'appuyer ?
8. S'agissant de la priorité stratégique « Défense et sécurité », des entreprises extérieures à l'UE et à l'Espace économique européen pourront-elles bénéficier de ces financements ?
9. Un taux de financement de l'UE allant jusqu'à 100% est envisagé pour les projets financés au titre de la nouvelle priorité Défense. Quels critères ces projets devront-ils remplir pour être financés à hauteur de 100% ?

Concernant le nouvel objectif introduit dans le FEDER relatif à la promotion des infrastructures énergétiques (« promoting energy interconnectors and related transmission infrastructure, and the deployment of recharging infrastructure »)

Quels types de projets sera-t-il possible de financer en ce qui concerne les réseaux de transport d'énergie et les interconnexions nouvellement construites ou améliorés ? En particulier, dans quelle perspective la référence à une plus grande intégration énergétique transfrontalière et aux possibilités de financement d'infrastructures non transfrontalières doit-elle être comprise ?

Concernant le logement

1. Dans le document « Model for Financial instruments and grants with co-financing from the EIBG and others for affordable housing », quelle articulation des instrument financiers combinés proposés est-elle prévue avec les nouvelles annonces relatives aux possibilités de financement des interventions sur le logement dans le cadre du FEDER et du FTJ ?
2. Le soutien vers la création de réseaux de chaleur notamment dans le cadre du FTJ pourra-t-il être couvert dans le cadre de la « transition énergétique » ?
3. Les acteurs privés ou publics du logement pourront-ils être indifféremment soutenus ?

Concernant le secteur de l'eau

1. Comment la Commission envisage-t-elle la cohérence entre d'une part le considérant sur la nécessité d'une accélération des financements sur les questions relatives à l'eau et d'autre part un cas de non-conformité avec la condition favorisante 2.5 (portant sur l'eau) empêchant l'engagement des crédits européens sur ces enjeux ?
2. Le transfert vers la nouvelle priorité sur l'eau via la résilience avec les crédits de la priorité eau déjà existante serait-elle comprise comme une modification de programme et comptabilisé dans les 15% ?
3. Les montants déjà programmés sur les priorités de la proposition de règlement seront-ils comptabilisés dans les 15 % ?
4. La proposition de Règlement établit la résilience hydrique comme étant une nouvelle priorité devant contribuer directement aux objectifs en matière de climat : durabilité dans la gestion de l'eau, prévention des risques liés aux événements climatiques, préservation des espaces naturels, etc. Aussi, ne conviendrait-il pas de rehausser le

pourcentage d'affectation à la contribution climat de certains domaines d'intervention liés à cette thématique ?

La contribution à l'objectif climat des domaines d'intervention n°62 et 65 pourraient être rehaussée à hauteur de 40% (fourniture d'eau destinée à la consommation humaine et collecte et traitement des eaux usées). La contribution des domaines d'intervention 63, 64 et 66 pourrait être rehaussée à hauteur de 100% (fourniture d'eau destinée à la consommation humaine conformément aux critères d'efficacité énergétique, gestion de l'eau et conservation des ressources en eau, collecte et traitement des eaux usées conformes aux critères d'efficacité énergétique).

#### À propos des aides d'État

La Commission envisage-t-elle d'apporter des assouplissements complémentaires à la réglementation sur les aides d'État existante pour optimiser le taux d'intervention jusqu'à 100 % ? Dans l'affirmative, lesquels ? À titre d'exemple, la proposition prévoit que le FSE+ puisse être mobilisé pour le développement des compétences dans l'industrie de la défense mais le RGEC ne limite le taux d'intensité de l'aide publique de 50 à 70 % en matière de formation selon la taille de l'entreprise. ;

#### À propos du financement des réformes

1. La Commission pourrait-elle détailler ce que recouvre la notion de « support relevant reforms », notamment pour le logement abordable et quelles seraient les possibilités ou exemples de soutien ?
2. Les possibilités de transferts des crédits de la politique de cohésion semblent limitées puisque, à ce stade, aucun transfert des crédits de la politique de cohésion vers des fonds dédiés à la défense n'est envisagé, alors que le règlement ouvre la possibilité de réaliser des transferts vers InvestEU. Pourquoi la Commission n'a-t-elle pas exploré cette possibilité alors qu'elle contribuerait efficacement à l'objectif de développement des capacités de production du secteur ? En complément, la communication évoque la possibilité d'amender la plateforme STEP pour y inclure la défense, notamment pour flécher les fonds en gestion directe vers cette nouvelle priorité. Pourquoi cette option n'a-t-elle pas été préférée ?

#### Concernant le volet budgétaire

1. Quelles hypothèses de mobilisation des flexibilités la Commission a-t-elle utilisée pour évaluer l'impact des préfinancements du FEDER, du Fonds de cohésion et du FSE+ ?
2. Quel est le montant escompté à mobiliser pour l'objectif de financement de l'industrie de défense, en gardant à l'esprit l'importance accordée au plan REARM Europe lors du Conseil européen extraordinaire du 6 mars dernier ? De plus, quel montant pourrait être mobilisé pour la mobilité militaire ?
3. La Commission peut-elle confirmer qu'elle évalue le coût total des préfinancements supplémentaires à 16,1 Md€, dont 3,6 Md€ au-dessus du niveau de paiement 2026 communiqué dans les dernières prévisions de paiement de long terme publiées en juillet 2024 ? Cette différence (baisse de la prévision de paiement de 12,5 Md€) s'explique-t-elle par un nouveau décalage de mise en œuvre de la politique de cohésion ? Si oui, quels en sont les facteurs ? La Commission pourrait-elle fournir davantage d'éléments sur cette évaluation, et notamment sur les hypothèses prises ?
4. Dans son analyse de l'impact budgétaire pour 2026, la Commission n'a pas pris en compte les flexibilités introduites, notamment en matière de taux de cofinancement proposés, estimant que leur impact dépendra de l'appropriation des flexibilités par les États membres. Au regard des enjeux budgétaires envisagés, la Commission est-elle



en mesure de procéder à cette évaluation rapide de cet impact, le cas échéant par comparaison avec les autres flexibilités déjà adoptées sur les fonds de cohésion ?

5. Les dépenses administratives imputées sur le budget de l'Union et liées à la mise en œuvre de cette révision à mi-parcours sont-elles bien prises sous enveloppe, dans le respect des plafonds de la rubrique 7 du cadre financier pluriannuel ?
6. Le projet de règlement modificatif FEDER/FC/FTJ prévoit la possibilité de réallouer des ressources du FEDER vers l'initiative urbaine européenne et l'instrument 3I et précise que ces réallocations ne constituent pas des transferts au sens de l'article 26 du RPDC.

La Commission peut-elle apporter des précisions sur la portée de cette flexibilité ? Faut-il comprendre que l'article 26 ne s'applique pas ? Les ressources réallouées à ces fonds en gestion direct entrent-elles dans le calcul des plafonnements définis par le premier paragraphe de l'article 26 ? La Commission peut-elle s'opposer à ces réallocations et si oui la procédure du paragraphe 4 de l'article 26 s'applique-t-elle ? Les ressources des années civiles passées et en cours qui n'ont pas encore été engagées par un programme peuvent-elles être réallouées vers ces fonds en gestion directe et être déduits des tranches annuelles correspondantes ou le paragraphe 5 de l'article 26 s'applique-t-il ? Enfin, est-ce que les ressources réallouées à ces fonds en gestion directe peuvent-elles être réallouées de nouveau au FEDER et, le cas échéant, les dispositions des articles 7, 8 et 9 de l'article 26 s'appliquent-elles ?

### Concentration thématique

Le niveau de concentration thématique des OS 1 et 2 est défini au niveau de l'accord de partenariat par catégories de régions. Est-ce que le niveau des concentrations thématiques sera revu (hausse ou baisse) avec les ajouts des nouveaux OS ? Quel impact pour les régions moins développées (dont RUP) et en transition (Martinique) ?

### Révision à mi-parcours

1. Les autorités de gestion ayant déjà soumis leur révision à mi-parcours au 31 mars 2025 : elles peuvent donc modifier leur proposition dans un délai de 2 mois ? Est-ce que celles qui ont déjà envoyé leur révision à mi-parcours en validation à la Commissions sous SFC peuvent la modifier (a priori une fois envoyée il n'était pas possible d'y retourner et de la modifier) ?
2. Est-il possible de ne pas soumettre de nouvel examen à mi-parcours et de réviser quand même son programme avant le 31 décembre 2025 pour bénéficier des nouvelles flexibilités ?
3. Faut-il nécessairement modifier l'accord de partenariat s'il est plus restrictif en termes de mesures éligibles que les nouvelles propositions réglementaires, ou uniquement modifier les programmes ?
4. Certains domaines d'intervention relevant des nouvelles thématiques prioritaires liées à la transition écologique et contribuant directement aux objectifs en matière de climat pourraient se voir rehausser leur contribution à l'objectif climat :
5. Soutien aux processus productifs respectueux de l'environnement [...] dans les PME (DI75)
6. Soutien aux processus productifs respectueux de l'environnement [...] dans les grandes entreprises (DI76)
7. Mesures en matière de qualité de l'air et de réduction du bruit (DI77)
8. Protection, restauration et utilisation durable des sites Natura 2000 (DI78)

9. Protection de la nature et de la biodiversité, patrimoine naturel [...] infrastructures vertes et bleues (DI79)
10. Autres mesures visant à réduire les émissions de gaz à effet de serre dans le domaine de la préservation des espaces naturels [...] (DI 80)
11. Les dispositions prévues dans la proposition de règlement modificatif FEDER/FC/FTJ concernent-elles également les programmes INTERREG et si oui dans quelle mesure ?
12. La nouvelle modification de programme dans le cadre de la RMP doit intervenir dans les deux mois suivant la publication du règlement. La modification de plus 15% sur les nouvelles priorités doit donc être effectuée dans ce délai de 2 mois ? Or il est fait mention d'un délai jusqu'au 31 décembre 2025 ; s'agit-il de la date de présentation par l'AG ou de validation de la modification par la Commission européenne ?
13. Si les modifications de programme représentent plus de 15% du montant total, l'éligibilité de toutes dépenses (y compris celles qui ne sont pas concernées par la modification) est bien étendue au 31 décembre 2030 ?

## HR

1. What is the intended timeline of the mid-term review approval process?

The proposed amendments foresee a one-year extension of the final eligibility date for cohesion programmes that redirect at least 15% of their total amount to EU strategic priorities, i.e., until 31 December 2025. This is particularly relevant since Croatia has already completed the MTR (Mid-Term Review) assessment within the set deadlines, introduced new strategic (STEP) priorities, and increased the initially programmed amounts for affordable housing within existing objectives. Does this mean we have to reprogramme in order for new eligibility rules to apply?

- If a Member State opts for a 'second' MTR, is it necessary to reprogramme funds already submitted to the EC as part of the 'first' MTR?
- It remains unclear what will happen with the submitted MTR amendments (which were submitted by 31 March 2025, in accordance with Article 18 of the CPR). Namely, will the EC approve Programme amendments submitted by the 31<sup>st</sup> of March 2025 with the option to make additional Programme amendment by the end of 2025 once the amended Regulations (EU) 2021/1058 and (EU) 2021/1056 are in force, or will the MSs be asked to withdraw initial MTR amendments and only then resubmit the new official MTR Programme amendment according to the amended Regulations (EU) 2021/1058 and (EU) 2021/1056?
- Finally, when it comes to MTR assessment, if a Member State opts for a 'second' MTR, does this mean that the socio-economic situation after 31 December 2024 must be taken into account, and what is the cut-off date? Geopolitical circumstances that led to this proposal happened after 31 December 2024. How can relevant statistical data be accessed when such data is available to all of us only with a significant time lag?

2. Article 1, paragraph (b), 11.

Does the possibility for the managing authority to directly grant support from the ERDF also applies to operations attributed a Sovereignty Seal under Article 4(1) of Regulation (EU) 2024/795 in a call for proposals under Commission Delegated Regulation (EU) 2019/856?

3. Article 2, paragraph (1) (c)

Does the possibility for the managing authority to directly grant support from the ERDF also applies to operations attributed a Sovereignty Seal under Article 4(1) of Regulation (EU) 2024/795 in a call for proposals under Commission Delegated Regulation (EU) 2019/856?

4. Article 1, paragraph (5)

Under paragraph 2 of the newly proposed article 7a it is stated „By way of derogation the deadline for the eligibility of expenditure, the reimbursement of costs as well as for decommitment shall be 31 December 2030“. This means that only final year for decommitment will be extended from 2029 to 2030, but how it relates to the annual decommitment rules starting from 2025?

5. In the context of the MTR, Croatia is also assessing progress in implementing the Administrative Capacity Building Plan (Roadmap) for the institutional framework for the use of EU funds. Additional measures to accelerate absorption will be considered. We support accompanying measures through the European Commission's technical assistance, such as those available via the Technical Support Instrument (TSI). It remains unclear whether technical assistance as such refers to the Member States' technical assistance, which is already smaller than in the previous programming period, or to the Commission's technical assistance—the latter being more acceptable in this context.
6. Has any flexibility been foreseen within the regulatory amendments regarding the deadline for the use of NGEU resources under the Just Transition framework, particularly considering the lack of clarity on the definition of “payments” by 31 December 2026, the late adoption of the regulation, and the dynamics of programme implementation?

## **HU**

### **Deadlines – Regulation 2021/1058 Article 3, 7a; 2021/1057 Article 5a, 12a; 2021/1056 Article 10**

- Does the new deadline of 31 December 2025 apply to cases where reallocations are made for the new specific objectives? If so, could it follow that if there is no reallocation to new specific objectives, the 31 March 2025 remains valid for the mid-term review?
- Are re-allocations to formerly available specific objectives possible between 31 March and 31 December?
- How should MAs proceed in the case of programmes for which they have already submitted the mid-term review if they wish to take advantage of the new reallocation possibilities? In particular, what is the case if among the re-allocations already submitted there are some for which the MA cannot wait for another round of changes until 31 December because the market is waiting for the corresponding call?
- What happens now to the flexibility amount? In principle, that amount can only be actually granted to beneficiaries after the mid-term review has been completed. Will it now also remain on hold until 31 December 2025, and further considering the timeframe of the Commission adoption thereafter?

### **Financial incentives**

- The question is whether if the transfer reaches 15% for a priority/priorities according to the new areas of support in a programme, 30% of the transferred amount and 4.5% or 9.5% of the programme are both due, simultaneously?

- The 15%-threshold for activating the extra incentives includes not only the new targets now proposed, but also the resources allocated to STEP. But does it also include the resources allocated to STEP that Member States have reallocated to STEP by 31 March 2025?
- Additionally, will the amendment to the STEP Regulation have a role here? Will be there a difference of what will be eligible under STEP in terms of defence?

### Eligibility, support areas

Regarding the proposed new specific objectives in Article 3 of the ERDF-Cohesion Fund regulation:

“(iii) developing resilient defence or dual use infrastructure to foster military mobility in the Union.”

“Operations supported under the specific objective set out in point (c)(iii) shall primarily focus, where relevant, on one or more of the four EU Priority Military Mobility Corridors identified by Member States in Annex II to the Military Requirements for Military Mobility within and beyond the EU as adopted by the Council on [18 March 2025 and with reference ST 6728/25 ADD1].”

- The routes in Annex II of ST 6728/25 ADD1 - according to our understanding - are all dual-use, therefore what kind of infrastructure development exclusively for defence purposes would be eligible for cohesion funding (at the working group meeting, the eligibility of e.g. shelters, barracks development was also raised as a question in this regard).
- In our understanding, Annex II of ST 6728/25 ADD1 lists all the routes/corridors relevant for military mobility, by Member State, in no order of priority. There is also a reference to the need to prioritise these routes according to four priority EU military mobility corridors. Of the four corridors, Hungary is involved in two (the Central Southern Corridor and the Eastern Corridor).
- Please clarify, which projects are eligible under the military mobility specific objective based on the above:
  - There is no restriction at all and the reference to Annex II can be considered as a recommendation (i.e. the terms 'where relevant', 'primarily' and 'focus' should be interpreted accordingly), or
  - the routes eligible are those which fall under the corridors relevant for Hungary, or possibly
  - the routes listed in Annex II may be eligible.

### Supporting reforms

Support for reforms is reflected in relation to affordable housing in Article 3 (1) and 3(4) of the ERDF-Cohesion Fund Regulation (within the specific objectives of the ERDF and the Cohesion Fund, it may also support activities under the Investment for jobs and growth goal that contribute to the implementation of reforms). It is also added to Article 8 (2) of the JTF Regulation.

- Is it possible to finance reforms only for housing or for other (even existing) specific objectives?
- Is it possible to finance both reform and related investment at the same time under Cohesion Policy?

- Generally, what is considered to be a reform in the context of 2021-2027 Cohesion Policy?
- If single reforms are also eligible (i.e. not only investment-related), will there be a definition of the reform and the corresponding eligible expenditure?

In the case of the introduction of a reform, are the financial incentives provided for in the proposal applicable only if the reform aims at the support areas indicated in the proposal?

According to recital (12), in order to increase the efficiency of investments, it should also be possible allow for the payment of costs related to the implementation of reforms, also where such costs are not directly linked to the implementation of investments.

What exactly does this provision allows to finance of? What might be “costs related to the implementation of reforms” and in particular, where such costs are not directly linked to the implementation of investments?

### Supporting large enterprises

Regulation 2021/1058 Article 5 paragraph (2), new point:

“(g) where they facilitate industrial adjustment linked to the decarbonisation of production processes and products.”

Do we understand correctly that the flexibility for large enterprises is that, in addition to the financial instruments currently allowed, they will in future be able to receive grant for productive investment, regardless of the sector, if their project promotes industrial adaptation linked to the decarbonisation of production processes and products?

## IT

### Reprogramming of the flexibility amounts already taken place pursuant to the STEP Regulation (art. 13.5 of Reg (EU) 2024/795)

In the regulation proposal COM(2025)123, programmes that have already allocated flexibility amounts to STEP priorities appear to be excluded from the possibility of benefiting from the additional pre-financing referred to in Article 7bis(1) (4.5% of the programme resources) and the extension of the period of eligibility of the expenditure to 2030.

In order to avoid unequal treatment for those programmes, it is deemed necessary that those programmes can also take advantage of the new incentives and derogations provided for in the Commission proposal.

### Additional 30% pre-financing and automatic decommitment calculation

In the regulation proposal COM(2025)123, it is clear that the additional pre-financing referred to in Article 7a(1) (4.5% of the programme's resources) will be counted as a payment made in 2025, although paid in 2026.

It is requested to clarify whether the additional pre-financing of 30% on the reprogrammed resources on the new dedicated priorities is also counted as a payment made in 2025, as these pre-financing are triggered by the same action of the Member State (the reprogramming on the specific objectives covered by the proposal).

### Single-fund JTF programmes, complementary assessment and eligibility period

In the regulation proposal COM(2025)123, the complementary assessment (within two months of the entry into force of the regulation) and the extension to 31 December 2030 of the eligibility of expenditure are possible for the JTF only in case the resources are programmed as a priority in an ERDF programme (new Article 10(4) of the JTF regulation).

In order to avoid unequal treatment, considering the innovations that are being introduced for this fund, it is deemed necessary that the single-fund JTF programmes benefit from the same derogations provided for the ERDF/JTF multi-fund in the regulation proposal.

#### ERDF/ESF+ multi-fund programmes

It is requested to clarify the application of the regulatory provisions set out in proposals COM(2025)123 and COM(2025)164, in the case of a multi-fund programme, with particular reference to the provision in Article 7a of the proposal to amend the ERDF Regulation and Article 5a of the proposal to amend the ESF Plus Regulation.

Notably, in order to encourage the reorientation of resources towards the new priorities, is it possible to allocate 15% of the programme's resources for the purpose of accessing the related flexibility measure using only one of the two funds (ERDF or ESF Plus)?

#### Interreg programmes

In the regulation proposal COM(2025)123, recital (14) mentions “European territorial cooperation goal (Interreg)”, considering that art. 18 of Reg (UE) 2021/1060 (CPR) does not apply to Interreg programmes (art. 1, paragraph 5 of Reg (UE) 2021/1060 (CPR)), a clarification is needed on the possible application of the Proposal to Interreg programmes.

#### LV

LV appreciates COM proposal, in particular new specific objectives for defence related investments and the rules for calculating climate objectives and specific incentives for Eastern border regions. At the same time, we have several questions to which we would appreciate COM explanations:

#### On submission of mid-term review:

- LV plans to submit mid-term review in April and we already plan to include crucial investments for dual use-infrastructure and crisis preparedness. Our question is whether it will be possible to reprogramme those investments under new specific objectives after the regulation enters into force?
- Assuming the scenario where MS submits MTR before new regulation enters into force and later in 2025 resubmits the MTR proposal – at which point MS can access the flexibility reserve?

#### On calculation 15%:

- Could you clarify what is the basis for calculating the 15% - is it ERDF/CF or also ESF+ and JTF? Multi-fund programmes should not be put into a disadvantaged position than single fund programmes.
- Some MS have already programmed STEP in their OPs before MTR. Would it be possible to include those investments in calculation of 15%. The same question relates to other investments that are already in programme (e.g. energy interconnectors and transmission etc.)
- Proposal for ESF+ regulation allows to classify existing priorities as dedicated priorities if they fulfil the conditions. Could you elaborate how this would work in practice and what steps MS needs to take?

#### On Eligibility:

- Could you please elaborate to what extent MS can finance dedicated infrastructure for military and support enterprises that are directly producing military equipment? In other words, is the single use infrastructure for military and defence needs, as well as support to military production allowed (without being dual use)?

- Proposal includes possibility to extend programming period for a year if 15% are transferred to new priorities and STEP. Does this apply to whole programme or only to the investments programmed under new priorities?
- In context of military mobility (new SO under PO3) there is reference to four military corridors. Is it possible to make investments in military mobility outside these corridors?
- Does the new specific objective under PO3 incorporates only infrastructure for military mobility or other military/civic defence infrastructure could also be included (e.g. military training grounds, accommodation, bomb shelters)?
- The new specific objectives related to housing includes references to reforms. Please explain how this should be reflected in the programme. Can MS finance reforms under Cohesion policy without related investments and vice versa under these specific objectives?
- In case of JTF it is proposed to simplify the support for large enterprises. Could you please clarify whether MS needs to propose amendments in territorial plans if the support to large enterprises currently is not included the plan (to access this new flexibility)?

## LT

### 2021/1058 (5)

The recital says that cohesion policy funding should be swiftly mobilized to directly support investments in defense capabilities, that it is allowed to finance industrial capacities in the defense sector technological development and production of defense products and other products for defense purposes.

1. Is it possible to finance “single use” defense investments?
2. What types of investments would not be eligible under cohesion policy under defense?
3. Please provide examples of eligible investments and products.

### 2021/1058 art. 3(a)

What is the demarcation of investments in relation to defense and resilience investment between specific objective indicated in vi and vii?

‘(vi) supporting investments contributing to the objectives of the Strategic Technologies for Europe Platform (STEP) referred to in Article 2 of Regulation (EU) 2024/795 of the European Parliament and of the Council’

‘(vii) enhancing industrial capacities to foster dual use as well as defense capabilities’

### 2021/1058 art. 3(e)(iii)

We suggest complementing SO title by adding the following wording ‘civilian safety and resilience infrastructure ‘:

‘(iii) fostering integrated territorial development, through access to affordable housing, **civilian safety and resilient infrastructure** and the development of related reforms in all types of territories.’

## Comments:

In the light of geopolitical dynamics which is one of that the reasons the regulation modification package is proposed and with the view to help MS building resilience and preparedness, we suggest that integrated territorial investment include necessary civilian safety and resilient infrastructure.

### **2021/1058 art. 7a p. 2**

Approved STEP and flexibilities.

If a MS has already programmed STEP and it is already approved (in 2025) by COM decision, could these funds be calculated in the minimum percentage required (currently 15 per cent) to make use of the proposed flexibilities? Especially in cases when STEP is programmed under the specific objective. We understand that it should work for both - for the sake of equal treatment of MS and inspiration for others to introduce STEP in the Programmes.

### **2021/1058 art. 7a p. 5**

What procedure shall be applied for Member State in case they have already submitted Investment Programme (IP) amendment proposal together with MTR assessment following the current regulation? What are the scenarios and possible procedures?

1. Should the MTR assessment be revised in case new priorities are planned to be submitted? Should they stem purely from MTR assessment?
2. Could the currently submitted Programme amendment proposal be complemented with an additional proposal (on top)?
3. Could the currently submitted Programme amendment proposal undergo separate evaluation procedures by the COM, i.e. under the current legislative set-up esp. for the amendments that are urgent but are not related with the newly proposed priorities. Meanwhile, the new SO activities that are proposed by the amendments of the regulations are reprogrammed and submitted by the subsequent Programme amendment. Can both of those Programme amendments be treated as MTR?

### **2021/1058 annex I**

The regulation amendment proposes new RCOs and RCRs for the new specific objectives. In the light of their attribution to a type of intervention what coefficient for the calculation of support to climate change objectives and environmental objectives will be attributed? This is very important when calculating climate tagging.

### **2021/1058 and 2021/1057**

The proposed amendments to the regulations only refer to the end-date for eligibility of expenditure for the proposed areas. Would you please provide an explanation about the applied start-date for eligibility of expenditure of these areas? LT suggests that the start date for eligibility of expenditure would apply from 2021-01-01.

### **2021/1058 Article 3 (iv) (iii) and Annex I, Table 1 (d)**

When allocating funding for military mobility in terms of dual-use measures, is funding provided only for the 4 main military mobility corridors, or are they simply given priority while other military mobility projects are also eligible for funding?

### **SEA**

In the light of the proposals, it seems that in many cases new specific objectives will be formed purely for the practical issues (application of flexibilities, tracking data, etc.), we kindly ask if the new proposed priorities and specific objectives, types of actions must undergo **Strategic environmental analysis (SEA)**. If such is the case, it is a challenge to propose a Programme MTR amendment within 2 months of the approval of regulatory amendments.

### **2021/1058 Article 7a and 2021/1057 Article 5a**



When the Investment Programme covers the entire territory of the country, to take advantage of the proposed flexibility mechanisms, 15% of the funds would have to be reprogrammed. In the case of Lithuania, this would be difficult, as we have already planned and allocated 78% of the Investment Programme funds. Moreover, this situation creates an uneven playing field between Programmes intended only for border regions and those that cover the entire territory. Therefore, could you please explain how the reprogrammed share will be calculated in case of a multi-funded Programme, if amendments, for example will cover only ERDF or CF, but not ESF or JTF. Also, could you please explain if technical assistance will be taken out of calculations.

### **2021/1058**

The European Commission's proposal does not cover INTERREG Programmes and does not apply at NUTS III level, which would be particularly significant and important to apply to INTERREG cross-border Programmes directly covering the affected regions (e.g. INTERREG VI A LT-PL Programme). Could you please explain if it is possible to apply any of the flexibilities regarding INTERREG Programmes.

With a view to enhancing the impact of investments, the scope of interventions now allows us to include actions linked to implementing reforms under cohesion policy, provided that the Programme amendment is submitted in 2025. Could you please give some examples of what kind of reforms could be supported? Do they have to be tagged to the new SO that are introduced in the amendment? What kind of expenditure could be covered in case of implementation of reforms?

To promote investments in affordable housing, including social housing, three new specific objectives are introduced for the ERDF and one for the Cohesion Fund. Could you please explain if measures dedicated to energy efficiency of multiapartment buildings that helps to achieve energy savings, improves living conditions and reduces energy bills, could be considered a part of these new specific objectives. The same question goes regarding the student dormitories.

### **MT**

- The Commission encourages Member States to reprogramme existing funds to align with these new priorities. However, it is not yet clear whether this includes the possibility to fund entirely new interventions that were not previously foreseen in the existing Operational Programmes. Malta seeks clarification on whether such reprogramming could include the insertion of new projects that had not been originally planned or EU-funded, but now fall within the scope of the new objectives and reflect the current EU realities.
- Some of the measures, particularly those aimed at large enterprises or sectors with strong industrial ecosystems, may have limited applicability in Malta due to our small size and economic structure. We therefore call for flexibility in implementation to allow for meaningful adaptation to national circumstances, including for island states with limited industrial bases.
- Malta is concerned about the proposed two-month deadline for submitting programme amendments following adoption of the revised regulations. Given the need for internal coordination, relevant consultations, alignment with sectoral strategies, and the Commission's own internal consultation timelines (which typically require 4–6 weeks), the timeframe appears too conservative. Malta recommends extending the window to at least six months to ensure quality programming.
- As per (COM(2025)163), Member States are asked to identify by June 2025 the projects under the RRF that are at risk of non-completion by August 2026 and that

could be considered for funding from ERDF/CF. In relation to this statement, Malta seeks further clarity on the modalities of the proposed shifts between the Recovery and Resilience Plan (RRP) and Cohesion Policy funds. More specifically, we would like to understand whether thematic consistency must be maintained, for example, can a project that was intended to be funded from the RRP under the scope of education be reallocated to other Cohesion Policy priorities such as water resilience? Or must thematic continuity be respected (i.e.: energy to energy, education to education)? Clear guidance on this point is critical to assess how Malta can maximise the value and strategic alignment of such transfers.

- Malta further believes that in order for the proposed amendments to be more effective, there needs to be complementarity with other instruments too. In this context, Malta is seeking further clarification on Article 1 (3)(b) of the proposal amending Regulations (EU) 2021/1058 and (EU) 2021/1056

## **NL**

### **Absorption capacity**

1. Given the implementation delays already experienced in the 2021–2027 period, how does the Commission expect Member States to absorb and deliver on these new priorities within the remaining timeframe?
2. Will there be additional administrative support or technical assistance provided to Member States, especially those with weaker absorption capacity, to implement the reprogramming effectively?

### **Affordable Housing**

1. The given definition for this new priority seems very broad, while the housing situation is a national competence. How does the Commission see Affordable Housing in terms of subsidiarity?

2. Regulation (EU) 2021/1056 is amended as follows:

(1) Article 8(2) is amended as follows:

(a) in the first subparagraph, the following point (p) is added:

‘(p) promoting access to affordable housing, and related reforms

How is this in line with the JTF-goal. Especially when at the start of the JTF the EC was very strict about the interpretation of its specific objective?

### **Budgetary effects**

1. What is the estimated budgetary effect of the increased co-financing?
2. What is the budgetary effect of the widened scope of priorities? (cf. how it was estimated for RESTORE, 10 bn.)

### **Budgetary room in MFF**

1. The proposal is based on the assumption that there will be sufficient budgetary room in the current MFF to invest in new priorities. Can the Commission provide an overview of the estimated budgetary resources/decommitments within the Cohesion policy?

### **Co-financing**

1. Flexibility and simplification should be used to bolster investments in new priorities (competitiveness and EU defense), not as a mean to address low payment levels. There is no justification for a cofinancing rate of 100%, which goes against the fundamental principles of Cohesion Policy. Why has this rate been chosen for all new priorities?

2. Specifically for the defence industry, why introduce a 100% cofinancing rate on projects that seem to have a return clear on investment? A private and/or public national contribution seems logical.
3. How does the possibility of 100% EU Cofinancing relate to the EIB activities?
4. Do you have to find compensation in lower cofinance rates within the programmes for everything you bring under the new ERDF or JTF 100% co-financable priorities?

### **Cohesion Policy goals**

1. How does the Commission reconcile the proposed defence investments with the EU's long-term green and digital transformation goals, especially in the context of cohesion policy priorities?

### **Cohesion policy in next MFF**

1. It has to be made clear in the regulation that all these measures should be temporary (current MFF), targeted (applied only to boost EU competitiveness and defense) and not prejudice negotiations on the next MFF.
2. How does the Commission ensure that the proposed reforms and priorities do not constitute a pre-emption of the political and budgetary choices to be made in the next MFF from 2028 onwards?
3. Does the Commission acknowledge the risk that the extension of the spending period (beyond 2027), combined with pre-programmed priorities, ties the hands of the next MFF in terms of funding and policy direction?
4. On what grounds does the Commission consider it proportionate to introduce these changes via a limited amendment process, rather than as part the revision during the upcoming MFF negotiations?

### **Defence**

1. Does integrating defense industries shift the JTF away from its original purpose of supporting workers in the green transition? How to ensure that defense investments do not compromise the social and environmental goals of the JTF?
2. What role does the Commission foresee for SMEs in defence-related cohesion projects, and how will smaller enterprises be supported to access funding and compete with large defence contractors?

### **IPCEI**

Article 8(2) is amended as follows (c) the following subparagraph is added For operations attributed a Seal of Excellence as defined in Article 2, point (45), of Regulation (EU) 2021/1060 and for projects directly participating in an Important Project of Common European Interest approved by the Commission pursuant to Article 107(3), point (b) TFEU and to Communication C(2021) 848, the managing authority may decide to grant support from the JTF directly, provided that such operations contribute to the specific objective as set out in Article 2 of this Regulation and contribute to the implementation of the territorial just transition plans.'

1. Can the EC elaborate how this will work?
2. Is this only applicable for projects that have not yet started?
3. For IPCEI projects that are already started: will the national funds for those projects be replaced to the JTF-fund?

### **JTF-goals**

In Article 11(2), point (i) is replaced by the following:

‘(i) where support is to be provided to investments to achieve the reduction of greenhouse gas emissions from activities listed in Annex I to Directive 2003/87/EC, a list of operations to be supported and a justification that they contribute to a transition to a climate-neutral economy and lead to a reduction in greenhouse gas emissions going below the relevant benchmarks established for free allocation under Directive 2003/87/EC and provided that those operations are necessary for the protection of a significant number of jobs;’

1. Can the EC elaborate on the difference between "substantial reduction" and "reduction" is a marginally difference (slightly under) enough according to this change?

In Article 12(2), the third sentence is deleted.

2. *"Targets shall not be revised after the request for programme amendment, submitted pursuant to Article 18(3) of Regulation (EU) 2021/1060, has been approved by the Commission"*

With the removal of this sentence, until when can changes be made?"

### **Large enterprises**

1. Can the commission provide data on the role of large enterprises in regional development? Do large enterprises contribute more to regional development than startup and scale-up enterprises?

### **N+2/N+3 rule**

In Article 10, the following paragraph is added:

‘4. Where JTF resources are programmed as priorities within a programme also containing ERDF or Cohesion Fund resources, in addition to the assessment for each programme on the outcome of the mid-term review to be submitted in accordance with Article 18(2) of Regulation (EU) 2021/1060, Member States may resubmit a complementary assessment as well as related requests for programme amendments, taking into account the specific objectives introduced by Regulation (EU) XXXX/XXXX [this Regulation], within 2 months of the entry into force of Regulation (EU) XXXX/XXXX [this Regulation]. The deadlines set out in Article 18 (3) of Regulation (EU) 2021/1060 shall apply.

Where such programme benefits from an extended deadline for the eligibility of expenditure, the reimbursement of costs as well as for decommitment in accordance with Article 7a of Regulation (EU) 2021/1058, such extension shall also apply to the JTF resources.

1. This would mean that JTF-programs not combined with ERDF cannot benefit from the extension. Can the EC elaborate why this choice has been made?

Article 1c Effect pre-financing on decommitment calculation.

2. Same as above: not only does the 30% pre-financing give a specific advantage to the programmes lagging behind, but also the positive effects in the calculation of decommitments are only for the programmes that have enough money left. Again, why this unequal treatment, rewarding only programmes that are lagging behind.

### **Payment forecasts**

3.2. Estimated financial impact of the proposal on appropriations

1. The legislative financial statement gives an estimate of 16,1 bn. for the additional prefinancing in 2026. However, the net budgetary effect on the payments is estimated

on 3,6 bn. Can the Commission provide data to explain the difference of these two figures?

### **Pre-financing**

1. 30% pre-financing for all new priorities seems excessive. Can the commission give financial insight in why a pre-financing rate of 30% is chosen? What is the rationale behind the 30% one-off pre-financing incentive, and how does the Commission plan to avoid potential inefficiencies or rushed spending before the 2025 deadline?
2. Art. 1b (amending Art. 3) 30% prefinancing: We understand the need for limited additional pre-financing to accelerate investments in MTR priorities. But there is also a need for projects already committed in MTR-priorities for pre-financing to speed up payments and accelerate implementation. Programmes that have already committed a lot of resources (including in MTR-priorities!) are not offered the same benefits in pre-financing as programmes that still have a lot of resources left. In terms of equal treatment, does the Commission think it's fair to deny programmes that are on track these benefits, while rewarding programmes that are lagging behind? Why this choice?

Also to receive the pre-financing the time limited programme amendments should be submitted in 2025, but only can be submitted after adoption. What if the regulation is not timely adopted to be able to do the programme amendment in 2025?

3. Art. 1g adding Art. 7A: Additional one-off prefinancing of 4,5%, when at least 15% is moved to the MTR priorities. Again, why this unequal treatment, rewarding only programmes that are lagging behind?

### **Reforms**

1. Art. 1(1)(a): Costs related to preparatory actions for reforms will be eligible including for self-standing reforms (not linked to investments). Can the Commission elaborate more on the type of reforms and related actions and costs it foresees here? And can these reforms only related to affordable housing or do they extent further?

### **Rule of Law conditionality**

1. Can there any possible effect on using the increased flexibility offered by the MTR and the application of current mechanisms for Rule of Law conditionality?

### **Seal of Excellence / Sovereignty Seal**

2) In Article 9, point (d) is replaced by the following:

‘(d) investment related to the production, processing, transport, distribution, storage or combustion of fossil fuels, with the exception of investment in operations attributed a Sovereignty Seal under Article 4(1) of Regulation (EU) 2024/795 in a call for proposals under Commission Delegated Regulation (EU) 2019/856.’

1. Can the EC elaborate how this will work in relation to the calls for proposals under the Innovation Fund? Does COM consider it feasible MS will actually make use of this possibility? What are the experiences with the working of this mechanism with for example Horizon?

### **Synergies**

1. How will the Commission ensure alignment between reprogrammed cohesion funds and other EU funding instruments like REPowerEU, STEP, and InvestEU to avoid duplication or overlaps?

### **Timing STEP proposal**

1. When will the legislative proposal for STEP be published (adding a new priority and widening the scope)

### **Transfer of funds: EUI**

2021/1058 amendment art.12 “(6) In Article 12, the following paragraph 4 is added: ‘4. Innovative actions which have been assessed in a call for proposals under the European Urban Initiative and comply with the minimum quality requirements of that call and cannot be financed under that call for proposals due to budgetary constraints may be attributed a Seal of Excellence by the Commission. For the purpose of the Seal of Excellence, the European Urban Initiative is considered another Union source distinct from the programmes implemented and prepared in accordance with Article 7 of Regulation (EU) 2021/1060.’”

1. How does this relate to the urban earmarking %? What is rational behind this proposition?
2. What is meant with ‘reallocating resources from ERDF to EUI’. ‘MS initiating the allocation’? Unclear. EUI (and innovative actions) are presently financed through ERDF, but not from country/region envelopes
3. What is ‘seal of Excellence’ and what is its advantage? It speaks of ‘enabling support’. Does that mean that SoE creates extra funding opportunities that are not possible without SoE?
4. What is added value of transferring national ERDF to EUI?
5. How is it possible that selected projects do not receive funding - ‘due to insufficient resources’? Is this due to co-fin %?
6. Are there selected EUI projects with insufficient resources?

### **Transfer of funds: I3**

“(16) The mid-term review should also be used to reinforce the crucial role of cities in delivering many Union objectives by giving Member States the possibility to reallocate financial resources from the ERDF to reinforce the European Urban Initiative referred to in Article 12 of Regulation (EU) 2021/1058. In addition, in order to facilitate the uptake of key innovative actions identified under the European Urban Initiative, such actions should benefit from a simplified selection procedure for support under cohesion policy programmes. Member States should also be provided with the possibility to reallocate ERDF resources from their programmes under the Investment for jobs and growth goal to the Interregional Innovation Investment Instrument referred to in Article 13 of Regulation (EU) 2021/1058 to enhance flexibility in the use of resources.”

1. Could the Commission elaborate on how this will work? Will MS transfer funds to a specific MS-compartment?

### **Transfer of RRF-projects**

1. Does the Commission have an estimate on the financial scope of projects under the RRF that are at risk of non-completion by August 2026?
2. Could the Commission elaborate what happens to the originally allocated RRF-budgets when a project is reprogrammed to funding from ERDF/CF?

### **COM(2025) 164**

### **Dual-use: Art. 12(c)**

1. The proposal clearly acknowledges the need to develop skills in the defence industry. Our concern is that certain skills might not be required once the geopolitical situation changes again. Additionally, other societal sectors may prove necessary to enable enhanced capabilities in defence. We see the importance of investing in such skills that can be considered “dual-use”, such as in health, IT or technology. How to ensure that skills acquired during this period are sustainable, also for civilian use?

### **ESF+ goals**

2. It is precisely in times of geopolitical uncertainty that social inclusion and work remain critical to greater stability. How will it be ensured that the social goals of the ESF are not compromised?

### **PL**

Questions on the EC proposal for an ERDF, CF and JTF Regulation

1. Please confirm if in case of multi-fund programmes the threshold of 15% is counted independently for each fund (ERDF and ESF+) and is counted as 15% of the allocation of the fund in such programme. In multi-fund programmes the incentives for each fund are admitted separately (while allocating 15% of ERDF allocation results also in JTF benefits).

The 15% threshold (mentioned in Article 1 (5), adding new Article 7a) is not compatible with the flexibility mentioned in article 19 of 1059/2021 regulation or article 24 of the 1060/2021 regulation. Taking into account the progress of implementation (not only the certified expenditure, but commitments made by the programme, selected operations, calls opened, calls planned, and the resources already committed by future applicants to prepare projects, technical documentation etc.), it seems set considerably too high. The minimum transfer threshold could be actually set in line with the flexibility (as suggested by the Commission) mentioned in these articles, that is – 5% of the programme budget for Interreg programmes (art. 19(5) of 1059/2021 regulation) and 4 % of the programme budget for other programmes (art. 24(5) of 1060/2021 regulation).

Can the Member State use all benefits concerning allocation 15% to new specific objectives, when the 15% is made by two programme amendments? First reallocation in the mid-term review and the second in the next amendment, so that those two reallocations will sum up to 15%? Therefore, can the Commission confirm that RESTORE priorities will be included in the 15% threshold?

In case of the proposal of 100% Union financing for the programmes with NUTS 2 regions that have borders with Russia, Belarus or Ukraine, we would like to confirm that this level of financing will apply to the entire programme that means all priorities, not only those newly introduced with reallocation of at least 15%.

The provision concerning the extension of the eligibility period for expenditure should be clearly worded. The proposed Article 7a(2) of the ERDF Regulation indicates a different application of Articles 63(2) and 105(2) of the General Regulation. Derogation is to apply when at least 15 % of the allocation is reallocated to new specific objectives or to the STEP objective. However, the wording of Article 7a(2) makes it unclear whether the extended eligibility period applies only to the new/new programme priorities or to the whole programme in which such a change will be included.

2. Please confirm if it is possible to move already implemented projects from existing priorities to the newly introduced priorities in the programme (in some cases such projects would require small amendments to provide a better matching with the new specific objectives e.g. dual use elements). This is the case of e.g. thermomodernisation of multi-family houses.

3. Please explain the term “military mobility” and what document and definition it refers to? For example, would an investment to build/expand an airport with dual military and civilian functions in a region bordering Belarus and/or Russia be possible under this specific objective 3.iii?
4. The relation between the new specific objective a(vii) „enhancing industrial capacities to foster dual use as well as defence capabilities” and the specific objective a (i) „developing and enhancing research and innovation capacities and the uptake of advanced technologies” needs clarification, especially in terms of research and development. It seems necessary to clarify in the regulation the way of understanding of "dual use" and "defence capabilities".

The scope of eligibility of dual-use infrastructure requires further clarification. Is the EC planning to issue detailed guidelines on this matter? The transport plans, after consultation with the EC under the enabling conditions in the area of transport, have already been adopted. In the case of implementing investments in road infrastructure, will a prior change to transport plans (extension of the plan to include new investments) be required and thus will it also be necessary to reconfirm compliance with the basic condition in this area?

5. Why would it be required to create additional, separate priorities for the new or amended specific objectives (article 1(1) (b) and (c), first subparagraphs thereof), since it is fully possible to monitor the implemented new/modifies measures via existing framework, e.g. using intervention codes?
6. Please confirm if under the new ERDF specific objective 3.iii, the support could include also activities in the field of health protection and the civilian infrastructure creating places of refuge for people during armed conflict (shelters) and actions supporting uniformed services (e.g. additional equipment, dual-use infrastructure). If the answer is negative, we propose to include this types of intervention in Article 1 (1) (a) (iii) “developing resilient defense or dual use infrastructure to foster military mobility in the Union, uniformed services, civilian protection and medical resilience in the EU” and modify specific objective 4.v by following “(v) ensuring equal access to health care and fostering resilience of health systems, including primary care, and promoting the transition from institutional to family-based and community-based care and develop dual-use health infrastructure building resilience in the event of armed conflict”.

Such broadening the scope of support will allow to finance extremely important areas of medical support and protection of civilians during armed conflict.

7. What changes in the rules for thematic concentration have been introduced in the new regulation, and how will they affect the flexibility in shaping priorities within programs funded by the ERDF and the Cohesion Fund? Is it possible to remove the limit of minimum 8 % of ERDF resources to sustainable urban development, in case of reallocation of ERDF funds to new priorities?
8. What approach will the European Commission take regarding climate-related expenditures in the context of new program priorities aligned with the draft regulation? Will the new specific objectives have additional "climate" intervention categories assigned to them, allowing them to be counted towards mandatory climate expenditure targets? To what extent will it be possible to reallocate funds between intervention categories without losing compliance with the EU's climate objectives?
9. Please confirm if the objective related to ensuring safe access to water, sustainable water management, and water resilience also includes the possibility of investments in water intakes and linear water infrastructure.



10. Please confirm if in case of programmes that have introduced RESTORE priorities the Commission will not wait until the new regulations come into force. Those programmes need to be adopted as soon as possible – flooded areas are in great need of the expected (and agreed with the Commission informally) support under RESTORE. Revision of the programme with the view of the emerging priorities should be done separately.
11. Please confirm if the amendments of programmes can be submitted until December (not only in the 2 months' time after the regulations come into force – which would be unrealistic e.g. due to legal procedures like SEA). In practice, the Commission should not combine the MTR with the new package of modification. The Commission should first adopt the programmes already sent via SFC under MTR, and after that process is concluded, the Managing Authorities could propose changes considering the emerging priorities (until December 2025). It is crucial to conclude the MTR process with the view of the programme management e.g. possibility to organize call for proposals without delays, otherwise the assumed 2025 certification targets are at great risk.

It should be clarified whether and how the modification of the programmes to include additional specific objectives will affect the mid-term review programme modifications currently underway. In particular, it is not clear whether the current work of the European Commission on the examination of the mid-term review forms and the proposed changes to the programmes will continue and be finalised with decisions. Therefore, it should be clarified whether it is possible that the analysis of the mid-term programme review forms will be put on hold by the European Commission so that the Member State can send a supplementary review form and additional proposals for amendments. What form of support is planned (grant or financial instruments)? We propose that the resources transferred to the new priority be spent in the form of grants (including support for enterprises).

12. What will be the basis for providing assistance to companies in the defense sector? What is the planned maximum intensity of support for the arms sector? What about aid to undertakings in difficulty?
13. Do the one-off prefinancings (4.5% and 30%) combine? They relate to different allocation values from different funds.
14. While analysing the EC proposals for amending the ERDF and JTF Regulations we encountered some doubts as to how the proposed changes should be interpreted (added art. 10.4 to JTF Reg.):
  - a. Do we understand it properly that, in case of a programme which covers ERDF/CF and JTF priorities, the MA decision on reprogramming the ERDF/CF resources on new priorities would have the effect that the derogations concerning the extension of eligibility and the n+3 rule will automatically work for JTF priorities within the same programme (even though the changes in those programmes do not cover parts financed from JTF)?
  - b. We would like to obtain confirmation as to the interpretation of the JTF resources in the above mentioned newly-added paragraph 10.4 – do the JTF resources cover both sources: including also the NGEU part of the JTF financing? or is it only applied to the sole part coming from “initial” Just Transition Fund allocation? In view of this – is there any flexibility predicted for allocation from the NGEU (is the Commission planning any further modifications in this regard)?
15. Looking at the current proposals in a broader context of the so far and constantly emerging challenges – it is obvious that more flexible solutions would be very useful to streamline the implementation of Cohesion Policy Funds. Therefore we would like to

pose a question whether it would be even more effective to apply the EC proposal to extend the eligibility period and the n+3 rule for decommitment by the end of 2030, to all 2021-2027 programmes, so that all Member States and their regions had the same level playing field to finalise their objectives.

16. Could you confirm that the deadline for the eligibility of expenditure, the reimbursement of costs as well as for decommitment shall be 31 December 2030 for all investment under operational programme? (vide: article 7a)
17. Please clarify if the extension of the deadline for the eligibility of expenditure means changes in Table 10 (for years 2022/2023) or only extension in terms of n+2 rule for year 2027 without any changes to the Table 10.
18. Regarding housing – please specify whether, for the specific objectives of OP 2, OP 4, OP 5, where the indicator RCO18 Affordable dwellings with improved energy performance – dwellings has been added, it will be possible to implement investments that focus solely on improving the energy efficiency of housing.
19. What specific activities does the EC envisage under the extended scope of ERDF/CF and JTF support concerning promoting access to affordable housing?
20. Should the scope of support for the circular economy be directed only to entrepreneurs or, for example, to local governments as well? It is important to remember that local governments will play a key role in water management in the event of a crisis (vide p. 6 regulation).
21. Why is there no intention to use Policy Objective 2 in the area of defence to develop wetlands for dual use? (vide: p. 10)
22. The introduction in OP 2 of a new specific objective 2(xi), promoting access to affordable housing and related reforms raises the question of the type/scope of investments that will be implemented therein in the context of the specific objective 2(i), already implemented within the programmes, supporting energy efficiency and greenhouse gas emissions reduction, which allows for the renovation and energy modernisation of public utility buildings as well as multi-family residential buildings.  
  
Could the EC be more precise what will be type of project in the priority axis related to promoting access to affordable housing, and related reforms? Investment or direct income support? What will be the subject of support? (vide: p. 18, xi)
23. In the scope of OP 2 (RSO 2.12), will it be possible to implement independent projects related to energy storage facilities?
24. Would transferring additional funding to specific objective 2.5, if it currently one of many SOs under one priority (corresponding to PO2) require to exclude it from the priority and create a specifically new priority only for SO 2.5? Why to change the structure of the programme, if it undoubtedly shall diminish the efficiency and complicate its implementation?
25. We would like to ask the Commission to confirm that if the programme already has specific objective 2.5 in its structure, then despite the amendment of the ERDF regulation (new formulation of SO 2.5), the SO 2.5 may be further implemented as currently (in line with the programme and SO 2.5 version currently in force), if the MS do not decide to take advantage of the possibility offered by the regulation?
26. Does the amendment of specific objective 2.5 mean that the scope of possible investments under this objective can be extended to investments other than water supply and wastewater treatment infrastructure? Is it possible to include in new dedicated priority under amended objective 2.5 (with up to 100% EU financing)

investments in flood and drought protection infrastructure, including water retention? It is not clear if the scope of investments can be extended, considering that the list of indicators for the amended specific objective 2.5 remains unchanged and the indicators relate only to water supply and wastewater infrastructure.

27. In the context of the planned simplifications, will it be possible to move projects that are already being implemented under the current priorities to new priorities related to defense/housing/water resilience/energy infrastructure? Additionally, will it be possible to contract projects from the reserve list of completed calls from current priorities under the new priorities?
28. The new article 5.2.g introduces decarbonisation as a new premise for supporting large enterprises. We welcome this amendment. However, there is an inconsistency with the explanatory memorandum, which states that this premise would apply not only to contributing to decarbonisation but also to circular economy. The wording of Article 5.2. g is also inconsistent with point 7 of the preamble, where, similarly to the Explanatory Memorandum, there is a mention not only of decarbonisation, but also of the circular economy, and additionally of adapting the industry to the digital transformation, including digital capabilities in the cloud, AI and supercomputing.

Thus, bearing in mind that not only decarbonisation but also the circular economy are part of the European Green Deal, and also taking into account the importance of the digital transformation indicated in many EU strategic documents such as the Digital Decade, we propose to adapt the provision of Article 5.2.g to point 7 of the recital by including in it, in addition to decarbonisation, also the premise of contributing to the circular economy and digital transformation as enabling support for large enterprises from the ERDF.

Additionally, in relation to Article 5.2.g, it is not clear how the premise of contributing to the decarbonisation of industry should be interpreted, how decarbonisation is understood and what types of investments it could include. 4) Therefore, we propose that the regulation should indicate how decarbonisation is to be understood in Article 5.2.g (or at least that the EC should clarify this issue as part of the Q&A or other documents to be made public).

29. Leaving the exclusions from the scope of support specified in Article 7 of the Regulations (EU) 2021/1058 may result in the impossibility of implementing key investments. In particular, this concerns the exclusions from investing in airports (only "small" airports and investments only for safety and security of air transport) and the exclusion of investments that use fossil fuels. (vide: article 1)
30. In connection with the proposal to extend ERDF support for productive investments in enterprises other than SMEs in cases where they facilitate the adaptation of industries linked to the decarbonisation of production processes and products, it is necessary to clarify whether investments in the field of the circular economy meet the above condition (e.g. investments reducing the consumption of raw materials needed to produce a given quantity of a product or reducing the waste of that enterprise).
31. It should be noted that investment in interconnector and related transmission infrastructure must be technologically neutral. Still most of energy in Europe is produced from nuclear and fossil fuels. Can energy infrastructure support apart from type of energy source? (p. 18 – xii)
32. The issue of which investments may be eligible for promoting energy interconnections and related transmission infrastructure requires clarification. Should promotion be understood as co-financing such investments or issues related to promotional activities?

33. From the provision on page 22, it appears that amounts from e.g. PO 3 ('developing resilient defence or dual use infrastructure to foster military mobility in the Union.') may be counted towards either the amounts required for PO 1 or PO 2 or divided between the two. (vide: p. 22; article 4, paragraph 10). For example, can all the investments (financed in new specific objective) in airports, roads, railways etc. be counted towards the amounts required to PO2?
34. Regarding article 1.1 c – Would it be possible to grant 100% support to all elements of critical infrastructure (including healthcare, cybersecurity, emergency services, ICT network infrastructure, circular economy)? Please confirm that the water and sewage infrastructure is classified as critical infrastructure.
35. Regarding article 1.5 – Would it be possible to grant faster pre-financing and 100% support to NUTS2 regions (or subregions) that do not have a direct border with Russia, Belarus and Ukraine, but are located in their proximity and can indirectly influence their development (e.g. Mazovia; subregion Siedlecki)?

#### Questions relating to Interreg

1. The proposed amendments introduce new specific objectives that can be added to the programmes in connection with the mid-term review (it is also reflected in the name of the regulation). The obligation to conduct a mid-term review does not apply to Interreg programmes. Therefore, we ask for confirmation that the lack of mid-term review in case of Interreg doesn't block the possibility to make use of the opportunities given to the MSs by this regulation.
2. In this context we ask for clarification whether the possibility of extending the eligibility period and using the 4.5% advance payment indicated in new art. 7a (which refers to specific provisions related to mid-term review) also apply to Interreg programmes.
3. What is the reasoning behind the proposal to include Interreg only in art. 1 (b) of the proposed regulation and not also in art. 1 (c)? In other words why Interreg may use 30% advance payment only for two new specific objectives and not all of them? Please note that the two objectives mentioned in art. 1 (b) (industrial capacities and affordable housing) are not the type of investments normally financed in Interreg.
4. While Interreg programmes are entitled to introduce new specific objectives, why do the changes to thematic concentration concern only those included in Regulation no 1058 (ERDF) and not those contained in the Interreg Regulation (art. 15 of the Interreg Regulation)? In our opinion in case Interreg programme decides to add new specific objectives, more flexibility should be provided also as far as art. 15 of Interreg Regulation is concerned.
5. The proposed regulation aims i.a. to adapt the Cohesion Policy response in defence and security sector. Therefore, it seems that this could not only pertain to enhancing the capabilities of the defence industry but also include the need to enhance security at the EU borders - especially the EU Eastern border.

It is not only defence capabilities but also secure borders that ensure the security of the EU. Why don't the Commission include support under Interreg Specific Objective 2 "A safer and more secure Europe" (article 14(5) of 1059/2021 regulation) to be eligible for potential incentives of additional prefinancing, 100% co-financing rate and extension of eligibility period?

#### Questions on the EC proposal for an ESF+ Regulation

1. PL asks for confirmation whether, if a Member State decides not to re-open the mid-term review but to amend the programme still in 2025 as part of a standard amendment procedure under Article 24 of the CPR, the benefits indicated in Article 5a will apply?

2. In the articles 12c and 12d exceptional 30% pre-financing is provided to the Member States that decide to programme support to new priority. PL asks for confirmation that they should be taken into account for the purpose of calculating the amounts to be de-committed (that they will be understood as expenditure incurred in 2025).
3. If the programme has not included a dedicated STEP priority to date, and this will now be introduced, along with the defence and decarbonisation priorities, will it be able to count towards the 15% reallocation and will the benefits indicated in Article 5a apply?
4. Proposed Article 5a introduces incentives for Member States that reallocate at least 15% of the financial resources of the programme to one or more dedicated priorities by 31 December 2025. At the same time, according to the new Article 12c and d, an additional 30% exceptional pre-financing for the introduced new priority is to be applied. PL asks for confirmation that additional 30% pre-financing also applies to the programmes referred to in Article 5a.
5. PL asks for clarification how the defence industry and decarbonisation of production, proposed in the new Articles 12c and 12d should be understood. Should they be understood in broad sense, e.g. does the defence industry include the construction industry for the military objectives or double-use infrastructure?
6. Please confirm that under the new ESF+ priority regarding development of skills in the defense industry, the support could include also development of skills of uniformed services (e.g. police, border guard) and civil defense in the field of defense and medical rescue. If the answer is negative, we propose to include this types of intervention in Article 12c (1) by adding "(...) development of skills in the defense industry, development of skills of uniformed services and civil defense and citizens in the field of defense and medical rescue under dedicated priorities". In our opinion, development of skills proposed by the Commission should go beyond the small group of defense industry employees.
7. Will it be possible to transfer to the new priorities referred to in Articles 12 c and 12d the actions already planned in the programme and being under implementation within the current priorities? If yes - does the SFC system allow for such transfer or is any modification of the system being considered?
8. How will the extension of the eligibility of expenditure deadline until the 31-st of December 2030 (due to article 5a of the Regulation (EU) 2021/1057) affect the conditions for meeting the n+3 rule?

## **PT**

1. Confirmation from the legal services that it is not necessary to amend the Common Provisions Regulation (CPR).
2. Clarification of the wording on pre-financing: the communication refers to 5% and the draft regulations refer to 4.5%
3. Clarification on the way in which the 15% threshold is calculated, because since it is a measurement at the level of each specific regulation (ERDF/CF and ESF+), the denominator of the calculation in each case must be exclusively the funds in question in the numerator and not the total allocation of the program (which can also include all ERDF, CF, ESF+ and JTF funds).
4. It is questionable whether the extension of one year should not be extended to all programs and funds (instead of only to programs that dedicate more than 15% of the allocation to the new priorities and, according to the justification note, only to the ERDF/FC). It should be noted that the programming of Portugal 2030 was done in a logic of complementarity between thematic and regional programs (for example,

depending on the size of the projects), so it would be incomprehensible for this derogation to apply only to the thematic program. Similarly, we find it difficult that all the Funds are not considered. For example, in the case of multi-fund programs, how would the n+3 rule, which is accounted for, at program level, be assessed?

5. It is proposed that the change introduced in SO 2.5 can also be accommodated in SO 2.4, moving the water resilience dimension to this SO. The water resilience dimension of SO 2.4 alone should be able to be programmed with SO 2.5 as a dedicated priority, benefiting from the derogation on advance payments and fee increases. It is important to stress that our proposal is even more justified given the indicators proposed in the regulation, which only cover efficiency and consumption.
6. To clarify whether industrial projects under the European Defence Industry Programme will also have an associated label. To clarify whether the proposals for dual-use funding (PO1 and PO3) only cover funding for the civilian component or also for the military component. On the other hand, can projects with a military component only be eligible (in the context of the reference to “defense capabilities/defence infrastructure”).
7. While the proposed extension of support to Non-SMEs is positive, in line with what was advocated by the PT at the beginning of the negotiation of the regulations for this programming period, it is considered that this opportunity could be used to review and clarify the model of support for these companies within the framework of PO1 (currently only possible in cooperation with SMEs in the context of Research and Innovation), in a context of the potential affirmation of large European companies as anchors of the Union's strategic autonomy
8. PT doesn't understand exactly why the aim is to create 3 exactly same SOs for housing (1 in each PO - 2, 4 and 5). A potential mobilization of several SOs with the same eligibility in a given program would constitute unnecessary complexity
9. Clarification of the scope of Reforms. Although the new Article 3(4)(d) of the new regulation allows for the financing of the “implementation of reforms”, this option is always associated with the SO for housing (both in the name of the objective and in the indicator). Shouldn't this eligibility be broader... and also linked to the ESF+ regulation? How is the specific financing of reforms operationalized?...does it require the approval of a Financing Not Linked to Costs methodology
10. Support to ETS sectors - This issue needs further clarification. Changing the eligibility of shared management funds to be determined by the awarding of centralized management instrument seals tends to distort the programming rationale.
11. State Aid - It is important to bear in mind that in parallel with this proposal, the new aid framework for clean industry is under public consultation, as well as a proposal to simplify the GBER, so both processes must be coordinated. This issue also extends to support for the defence industry and even affordable housing (where we believe the COM should allow for frameworks identical to those used in the case of the RRFs/RRF).
12. Thematic Concentration - it is important to clarify how the amendment to paragraph 10, article 4 is operationalized: how to allocate the amounts allocated to the new priorities (including in PO3, PO4 and PO5) to contribute to the concentrations of PO1 and PO2, regardless of the PO in which they fall?

## **RO**

1. The additional 4.5% pre-financing at program level for programs that will use at least 15% of their total allocation for strategic priorities will be cumulated with the single additional pre-financing of 30% at priority level for reprogrammed resources?

2. In the case in which programs have already introduced STEP priorities in 2024 (by reallocating the flexibility amount to the STEP priority), is it possible that this allocation is also counted within the 15% threshold reallocated to the new dedicated and STEP priorities?

From this perspective, Art. 1(5) from the proposed modification of Regulation 1058/2021 and Regulation 1056/2021 should be revised as follows:

*"2. By way of derogation from Article 63(2) and Article 105(2) of Regulation (EU) 2021/1060, the deadline for the eligibility of expenditure, the reimbursement of costs as well as for decommitment shall be 31 December 2030. That derogation shall **only** apply where programme amendments reallocating at least 15% of the financial resources of the programme to one or more dedicated priorities established for the specific objectives referred to in Article 3(1), points (a)(vi), (a)(vii), (b)(v), (b)(ix), (b)(xi), (b)(xii), (c)(iii), (d)(vii) and (e)(iii), of this Regulation in the context of the mid-term review have been approved or where the programmes amendments were approved that have reallocated the entire amount of flexibility of the programme to address the priorities dedicated to investments that contribute to the objectives of the STEP platform, in the context of programme amendments submitted by the Member State by 31 August 2024 (in accordance with Article 24(9) from Regulation (EU) 2021/1060)" (or any alternative text).*

3. We welcome that the Interreg programmes may use the additional one-off pre-financing of 4.5% of the total support from the ERDF when the reprogramming concerns a substantial share of the overall programme and the 30% additional pre-financing of the allocation for the STEP specific objectives. Does the 30% additional pre-financing of the allocation for the other newly inserted specific objectives also apply to the Interreg programmes? If not, we support the extension of this measure also to the Interreg programmes, which can bring an important contribution to the evolving priorities of cohesion policy.
4. With regard to funding for the defense industry, are further flexibilities/bonuses similar to STEP state aid being considered?
5. To be clarified whether financial flexibilities and extension of the eligibility period can be applied in case we cover NUTS 2 regions bordering Ukraine from ESF+ through a single national program (and ERDF funding is complementary through regional programs).
6. To be clarified whether in case of the financing of fossil fuels, in order to make use of the flexibility offered, Article 7(4) might also be amended, which stipulates that operations specific to fossil fuels must be selected by December 31, 2025 and that such operations shall not be carried over to the next programming period.
7. Why the possibility to resubmit a complementary assessment of mid-term review and the related extension of eligibility until 2030 for **JTF is limited only when JTF is programmed as priorities under and ERDF/CF programme and not if it is a standalone programme?** Which is the rationale for this differentiated approach compared to ERDF/CF programmes? Considering that reprogramming for STEP in standalone programmes was possible and a new activity for affordable housing is introduced, solutions to reprogramme JTF for other new priorities, while maintaining the focus on its main objective, seem to be feasible even given the particular legislative "construction" of JTF as a specific objective.

## **SE**

### Questions on proposal “A modernised Cohesion policy: The mid term review”

1. Clarification of the rationale for the proposals on the possibility of transferring funds from the ERDF to the Interregional Innovation Investment Instrument (I3) and the European Urban Initiative (EUI)?
2. Could you elaborate on the purpose of the addition in Article 3 (4) d) "contribute to the implementation of reforms"? How does COM intend this to be used, what types of reforms do you have in mind?
3. Clarification of the different dates indicated in the proposal for when changes to the programme should be sent to the Commission. We understand that there is a timetable for the mid-term review where a revised programme can be sent 2 months after the regulation is decided, but elsewhere it is stated at the end of 2025. It would be good to have clarification of the timetable that applies to different parts of the proposal.
4. If a MS chooses to complement its programmes based on the new priorities, when can it be expected to access the flexibility amounts?
  - a. What is the difference between the current specific objective v) under policy objective 2 and the new reformulated v)? What interventions can be made that were not possible before? No new indicators are proposed in Annex 1.
  - b. Why are the same specific objective “promoting access to affordable housing, and related reforms” proposed under 3 different policy objectives in ERDF? Why make an exception for this specific objective? Minor changes in existing indicators in Annex 1 suggest that no new interventions are expected by introducing new specific objectives.
  - c. Is a new specific objective iii) under PO 5 needed when it is stated in Article 3, Paragraph 2: “Under the two specific objectives of point (e) of paragraph 1, Member States may also support operations which can be funded under the specific objectives set out under points (a) to (d) of that paragraph”?
  - d. There is a possibility to transfer funds from the ERDF and the cohesion fund to the Connecting European Facility (CEF) in the proposal. What is the maximum level of transfer possible? Also, due to the “limité” (secrecy) of the military mobility corridors – how are the process of transfers and reprogramming going to be conducted?
  - e. What does the Commission mean by affordable housing? Is there a common definition?
  - f. Pre-financing: How can the difference between the estimated additional pre-financing in 2026 (16.1 bn EUR) and the net budgetary impact for that same year (3.6 + 0,5 bn EUR) be explained? Is it only a consequence of delays due to MS reprogramming / updated plans or can part of the difference be attributed to current forecasts being lower than the level of appropriations for 2026 in the financial programming.
  - g. Co-financing: What is the estimated budgetary impact of increased co-financing rates? The budgetary impact of increased co-financing rates should be calculated and presented separately for each specific objective, i.e competitiveness, defence, affordable housing, water and energy.
  - h. Is there any conditionality in the pre-financing? What happens if a Member State does not implement the program after being granted pre-financing?



- i. Payment ceiling 2026: Can the Commission ensure that the increased expenditure in 2026 will be within the payment ceiling?
- j. Widened scope: What is the estimated budgetary impact of the proposed possibilities and incentives to redirect cohesion funds to new priorities, in comparison to a no-policy scenario? I.e. not merely in terms of pre-financing and co-financing, but also in terms how the widened scope is expected to affect the implementation rate and hence payments (cf budgetary effects of the RESTORE proposal, which included such an estimate: 10 bn EUR due to the widened scope). The budgetary impact should be calculated and presented separately for each specific objective, i.e competitiveness, defence, affordable housing, water and energy.
- k. How does the Commission assess the risks for deteriorating existing objectives in cohesion policy when strong incentives are proposed for several new policy areas?
- l. Payment forecasts: What are the full budgetary effects? How are payments affected other years, 2027–2030? Can the Commission confirm that the net effect of payment forecasts resulting from the proposal is zero over time?
- m. Decommitment rules: What is the estimated budgetary impact of extending the deadline of eligibility of expenditure? The budgetary impact of extending the eligibility should be calculated and presented separately for each specific objective, i.e competitiveness, defence, affordable housing, water and energy.
- n. Rule of Law: Will funds that have been suspended due to insufficient adherence to the rule of law be eligible to be reprogrammed? How can the proposed regulation ensure that previous decisions regarding suspension remain in place?
- o. Responsibility and ownership: How does the Commission assess the risk that the removal of requirements for national co-financing will undermine national commitment and implementation quality?
- p. Universal top-up on prefinancing (article 7a(1) in ERDF and 5a(1) in ESF+). Can the Commission confirm that article 7a(1)/5a(1), i.e. the extra prefinancing of 4,5 % (9,5 % in border regions), apply for all projects in a programme that has been amended, regardless if the project is directed to the new specific objectives or not (given that at least 15 % of the budget is re-allocated)? What is the estimated budgetary impact of this one-off pre-financing of the total amount?
- q. What legal basis allows the pre-financing paid under Article 7a(1) in the ERDF and 5a(1) in ESF+ to be counted as payments made in 2025, even though the actual payments occurs in 2026? How will this work in practice, and what will the consequences of such an arrangement be?

#### Questions on the proposed amendments to Regulation (EU) 2021/1056

1. Could the Commission develop on how measures for affordable housing are relevant in the context of JTF?
2. What is the rationale for deleting the limitation to STEP objectives in the fourth subparagraph of Article 8(2)?
3. Regarding the new subparagraph in Article 8(2): What does it mean that the MA may decide to grant support directly? What is the rationale behind this proposal?
4. What kind of investments does the Commission foresee with the addition in Article 9, point (d)?

5. In Article 11(2), point (i), the words substantial and substantially are deleted. What is the rationale for this amendment? What will it change in practice? And how is this related to state aid rules?

### Other questions

We are interested to hear if the Commission has investigated other possibilities to simplify legislation? For example, regarding policy objective 2 that is divided into several specific objectives, for example - 2.1 Energy efficiency, 2.2 Renewable energy, 2.3 Smart energy systems and 2.6 Circular economy. This means that the program descriptions are very specific both in terms of text and indicators. The projects need to be adapted to the focus of each specific objective. This means that implementation is more fragmented compared to policy objective 1, which has broader descriptions within each specific objective. If it were possible to combine several specific objectives within policy objective 2, it would facilitate implementation and enable work with projects that have a more holistic perspective within interventions covered by the entire policy objective 2. For the 2014-2020 programming period, there was, by comparison, a single focus area, low-carbon economy, which captured many of the interventions that are currently spread across several specific objectives within policy objective 2.

## **SI**

### General

1. We believe that the eligibility period should be extended for all programs by one year, not just for the ERDF and Cohesion Fund programs, where at least 15% of the funds are redirected to new priority areas. What is the exact final date?
2. Will changes to programs already submitted by Member States to the Commission be considered when determining the share of redirected funds? Slovenia submitted a request for program amendments recently, including STEP, financial instruments, and investments in water management.

WATER MANAGEMENT: Specific objective 2.5 already exists and it has just been renamed according to the proposal. If a Member State already has projects under this priority, do they automatically count toward the new objective or how will this be determined?

3. We believe that for receiving pre-financing for Member States that have only one multi-fund program, in cases where funds are redirected to new priority areas, the 15% threshold should be considered at the level of policy objectives, or by each fund, or the threshold should be reduced to 3% of the total program.

*COMMENT: Our view is that the amount of funds within each Programme to be transferred to the new specific objectives (the draft provided for 15%) and which will impact advance payments, should include all funds transferred by Member States to the new specific objectives in STEP.*

*We propose a more flexible thematic concentration (not only for the new specific objectives for new areas), but also with the prescribed % for the ERDF in policy objective 1 and policy objective 2.*

4. Is it possible to co-finance investments in affordable housing only with grants, or is a combination of financial instruments and grants required? Can a Member State redirect only grant to the national housing fund?
5. Do the requirements for thematic concentration remain the same?
6. On reforms – which activities are eligible for cofinancing?

### Specific objective Defence and Security

1. Can existing projects in the 2021-2027 programme be transferred to the new specific objective if they meet the conditions of the new specific objective?
2. For investments under "Defence and Security," would the same horizontal requirements of European cohesion policy apply as for other specific objectives, such as the DNSH requirement?
3. Within the "Defence and Security" specific objective, in the part intended for dual-use infrastructure, could funds also be allocated to those sections of the four military mobility corridors where dual use is less attractive for military purposes? Or would such projects be ineligible for funding from the cohesion envelope, and what criteria would be applied?
4. Would certain military corridors in the EU have greater priority for cohesion funds over others if they are more attractive for dual use and are closer to potential security threats?
5. Would "hot spots" have any priority, and what would be the conditions/criteria?
6. Would the defence sector play any role in the selection of projects under the specific objective "Defence and Security"?
7. Do investments for the new specific objective "Defence and Security" have to comply with the mitigation measures and recommendations from the Strategic Environmental Assessment (SEA) prepared for the Cohesion program 2021–2027, which is currently one of the conditions under the horizontal principles for project selection?

### Housing

1. We welcome the proposed legislative amendment regarding the additional strategic area of ensuring access to affordable housing. However, we emphasize that housing construction must be resilient to both climate change and earthquakes. Consequently, we propose the following text modifications:

- a. On page 5, the text should read:

Against this background, the political guidelines of the Commission give housing policy strong emphasis by proposing a coordinated approach under the upcoming European 'Affordable Housing Plan'. As part of this overarching ambition, the Commission now proposes to address the growing investment gap in affordable housing by allowing Member States to reprogramme under their 2021-2027 programmes amounts for supporting investments that promote access to affordable housing. Investments under the New European Bauhaus should make full use of these new possibilities provided. At the same time, it must be ensured that housing is climate **and earthquake** resilient.

- b. On page 10, the text should read:

To promote investments in affordable housing, including social housing and support to related reforms, three new specific objectives are introduced for the ERDF and one for the Cohesion Fund. For these specific objectives, the Commission will pay, in addition to the yearly pre-financing for the programmes, 30% exceptional one-off pre-financing based on the resources allocated to dedicated priorities and the maximum co-financing rate for dedicated priorities supporting these objectives is 100%. At the same time, it must be ensured that housing is climate **and earthquake** resilient.

## **SK**

### **Calculation of 15%**

The proposal states that the extraordinary flexibilities (additional one-off pre-financing of 4,5 or 9,5 %, 100 % financing and the extension of the end date for eligibility by an additional year) shall only apply where reallocations of at least 15% of the financial resources of the programme have been approved.

1. *Can you clarify if in case of multi-fund programmes this percentage is counted from the **whole allocation of the programme** (in Slovakia, there is one program that covers the entire allocation of the ERDF, CF, ESF+, and JTF, including the resources for technical assistance)?*
2. *Can you clarify that if a MS decides to support new priorities **only from ERDF and CF** resources (but not from ESF+ and JTF), the 15% will be calculated based on the **total allocation of the program** (including ESF+ and JTF)?*
3. *The proposal changes the name of the specific objective 2.5 and states that this new specific objective should be programmed in a separate priority. Will this result in to a situation when the specific objective could be programmed under two priorities within a programme and only the new one will be taken into account by assessing the uptake of new priorities and possibility to use the proposed flexibilities?*

### **Flexibility amount**

According to Article 18(5) of the regulation, a Member State can only use the flexibility amount for selecting operations after the Commission decision confirming its final allocation has been adopted. Slovakia submitted its MTR on March 31, in line with the CPR, and requested the release of the flexibility amount for all funds proportionally (Slovakia has one multi-fund program - ERDF, CF, ESF+ and JTF). Due to newly proposed legislative package, Slovakia is now considering financing some of the new priorities.

1. *Would it be possible to proceed that way, that the submitted MTR would be adopted from the side of the EC, which would result in **releasing of the flexibility amount** and afterwards the **MS submits a complementary MTR revision** including priorities in line with this regulation? Can you please clarify the process of assessment of the resubmitted MTR?*
2. *Considering that some programs plan to submit request for change after the MTR within this year, will it be possible to submit change requests that are not related to the new priorities?*

### **STEP/water resilience**

Slovakia welcomes the new priorities included in the legislative package, as well as the new flexibility associated with them. However, we would like to point out that Slovakia has already taken steps to support these priorities. In particular, we would like to highlight our support for the area of **water resilience**, where we have reallocated an additional €140 million (the positive decision from the EC was sent on **March 28, 2025**). Similarly, on **March 31**, in accordance with the regulation, we submitted a new request for the transfer of allocation under the **STEP priority**.

*Can you also clarify if transfers to the new priorities already approved by EC (increase of water resilience) or submitted to EC (STEP) after 1.1.2025 do count for 15% flexibility and related incentives (100% co-financing and 30% pre- financing)?*

### **Military mobility and defence related investments**

The legislative package foresees support for resilient defence (or dual-use) infrastructure to foster military mobility. Operations supported shall primarily focus on Military Mobility corridors.

1. *Do we understand correctly that investments in **airport infrastructure** would also be eligible? On one hand, the regulation allows for the promotion of resilient defence or dual-use infrastructure, but on the other hand, the ERDF regulation **restricts support for airport infrastructure** under Article 7(1)(e). Will investments only be eligible for existing regional airports under the ERDF regulation? If so, this would constitute a significant limitation on improving military mobility in Slovakia, given the existence of national military airports and national dual-use airports.*
2. *Do we understand correctly that support for **dual-use hospital infrastructure** will not be eligible?*
3. *Could the Commission help us bring clarity on the infrastructure projects that could be financed from the relevant European funds? What is the limitation regarding the investment to military mobility infrastructure, other dual use infrastructure not linked to military mobility and potential military infrastructure (an example could be a training area)?*
4. *Can you provide us with more clarity on what the support to industry could entail (beyond potential education/training of personnel)?*

#### MTR – 2-month deadline

According to the legislative package, it is possible to submit a new MTR within **2 months** from the date of entry into force of the legislation.

*Is it possible to extend this deadline? Again, in the case of a multi-fund program (as is the case in Slovakia), the process of preparing and approving changes at the national level is quite complex due to the need for discussions with a wide range of stakeholders.*

#### State aid

Within the priorities that should support EU competitiveness, we should also ease the state aid rules.

*Can you clarify why we have to apply the state aid rules for IPCEI projects, if the state aid regime is not applied for such projects if supported by directly managed programmes?*

#### Affordable housing

1. *Since we are lacking a clarity on the scope of interventions in housing due to the absence of The Affordable Housing Plan, can you clarify if affordable housing involves also rental housing?*
2. *Since the demand for affordable housing is predominantly in MDR, can we expect to release/eliminate thematic concentration at the level of region to allow a redirection of a substantial share of allocation?*

#### Impact of prolongation of eligibility of expenditure on yearly commitments

*The prolongation of the deadline for the eligibility of expenditure by one year will result in the change of N+2 to N+3 in 2027 or respective commitments will be divided within years?*

#### 100 % financing

By way of derogation from Article 112 of Regulation (EU) 2021/1060, the maximum co-financing rate for priorities in programmes under the Investment for jobs and growth goal covering one or more NUTS2 regions bordering Russia, Belarus or Ukraine shall be 100%. The higher co-financing rate shall not apply to programmes covering the entire territory of the

Member State concerned, unless those regions are included only in programmes covering the entire territory of that Member State.

*Does this apply to the whole programme or only to the new priorities?*

