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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 27 September 2019

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: C(2019) 6861 final

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 27.9.2019
amending Delegated Regulation (EU) 2015/2195 on supplementing
Regulation (EU) No 1304/2013 of the European Parliament and of the
Council on the European Social Fund, regarding the definition of standard
scales of unit costs and lump sums for reimbursement of expenditure by
the Commission to Member States

Delegations will find attached document C(2019) 6861 final.

Encl.: C(2019) 6861 final



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COMMISSION DELEGATED REGULATION (EU) .../...

of 27.9.2019

amending Delegated Regulation (EU) 2015/2195 on supplementing Regulation (EU) No 1304/2013 of the European Parliament and of the Council on the European Social Fund, regarding the definition of standard scales of unit costs and lump sums for reimbursement of expenditure by the Commission to Member States

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) No 1304/2013 (the European Social Fund (ESF) Regulation) enables the Commission to reimburse the expenditure of Member States using standard scales of unit costs (short: unit costs) and lump sums defined by the Commission.

To this end, the second subparagraph of Article 14(1) of the ESF Regulation empowers the Commission to adopt delegated acts concerning the types of operation covered and lay down unit costs and lump sums, their maximum amounts and the methods for adjusting them.

Taking into account the disparities between and within Member States, the Commission set out in Delegated Regulation (EU) 2015/2195 unit costs and lump sums for the reimbursement of expenditure to Sweden, France, Czechia, Belgium, Malta, Italy, Slovakia, Germany, the Netherlands, Austria, Lithuania, Poland, Romania, Cyprus, Croatia, Ireland, Spain, the United Kingdom and Bulgaria for certain types of operations and categories of costs. Delegated Regulation (EU) 2015/2195 also contains unit costs for operations in the area of education that can be applied by the 27 Member States listed in the respective annex as well as unit costs for three further areas – training for the unemployed, counselling services and training for employed people – which can be applied by all Member States. The simplified cost options laid down in that act, their amounts, and, where appropriate, their adjustment, were based on either:

- methods submitted by those Member States and assessed by the Commission in line with the principle of sound financial management, or
- methods taking into account statistical data on staff costs of Public Employment Services as published by the Commission, or
- methods taking into account statistical data as published by Eurostat and as reported by national Public Employment Services on the
 - cost of providing core education goods and services, or
 - cost of providing labour market interventions, or
 - cost of continuing vocational training courses at enterprise-level.

Considering the benefits of this simplification option for Member States, the Commission has been systematically collecting and assessing data from Member States in order to extend its coverage to more Member States and types of operations.

In this context, this delegated act amends Delegated Regulation (EU) 2015/2195 by setting out unit costs for specific Member States on the basis of data submitted by them, in particular by:

- the amendment of existing annexes to either amend existing or set out additional unit costs for France, Czechia, Malta, Italy, Slovakia, the Netherlands, Romania, Cyprus, Ireland and Portugal, as well as lump sums to Ireland and France;

- the addition of an annex setting out unit costs for Portugal.

Furthermore, the unit costs for operations in the area of education and applicable to all Member States shall be updated reflecting latest available data from EUROSTAT and monthly rates shall be introduced for certain levels of education to better reflect the structure of such operations.

The reimbursement on the basis of the unit costs or lump sums set out in this regulation is without prejudice to compliance with the applicable Union law and the national law relating to its implementation, including State aid and public procurement rules.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

In line with paragraph 4 of the Common Understanding on delegated acts between the European Parliament, the Council and the European Commission, appropriate and transparent consultations, including at expert level, have been carried out on this delegated act.

The preparation of this delegated act was based on information and data provided by Member States. The definition of the unit costs and lump sums takes into account the different needs and the particular characteristics of different regions and operations.

All parts of the delegated act have been subject to consultation of experts from Member States. A first version of the delegated act is scheduled for discussion with experts from all Member States on 11th July 2019. The European Parliament was informed of the consultations.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

For the purposes of reimbursement by the Commission of expenditure to Member States on the basis of unit costs and lump sums defined by the Commission, Article 14(1) of Regulation (EU) No 1304/2013 empowers the Commission to adopt delegated acts regarding the type of operations covered, the definition of the unit costs and lump sums and their maximum amounts and the commonly agreed methods for adjusting them.

COMMISSION DELEGATED REGULATION (EU) .../...

of 27.9.2019

amending Delegated Regulation (EU) 2015/2195 on supplementing Regulation (EU) No 1304/2013 of the European Parliament and of the Council on the European Social Fund, regarding the definition of standard scales of unit costs and lump sums for reimbursement of expenditure by the Commission to Member States

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1304/2013 of the European Parliament and of the Council on the European Social Fund and repealing Council Regulation (EC) No 1081/2006¹, and in particular Article 14(1) thereof,

Whereas:

- (1) With a view to simplifying the use of the European Social Fund 'ESF' and reducing the administrative burden for beneficiaries, it is appropriate to increase the scope of standard scales of unit costs (short: unit costs) and lump sums available for reimbursement to Member States. The standard scales of unit costs and lump sums for reimbursement to Member States should be established on the basis of data submitted by Member States or published by Eurostat and on the basis of methods commonly agreed, including the methods set out in Article 67(5) and Article 68b(1) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council².
- (2) Taking into account the significant disparities between Member States regarding the level of costs for a particular type of operation, the definition and amounts of standard scales of unit costs and lump sums may differ according to the type of operation and the Member State concerned in order to reflect their specificities.
- (3) France, Czechia, Malta, Italy, Slovakia, the Netherlands, Romania, Cyprus, Ireland and Portugal have submitted methods for either amending existing standard scales of unit costs, or defining additional standard scales of unit costs for reimbursement by the

¹ OJ L 347, 20.12.2013, p. 470.

² Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

Commission concerning types of operation not yet covered by Delegated Regulation (EU) 2015/2195³.

- (4) Ireland and France have submitted a method for defining lump sums.
- (5) For the unit costs relating to operations supporting education and applicable to all Member States except Denmark, the amounts should be updated in line with latest available data from Eurostat. Furthermore, monthly rates should be introduced for operations of early childhood education and pre-primary education (ISCED level ED0, ED01 and ED02).
- (6) Delegated Regulation (EU) 2015/2195 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2015/2195 is amended as follows:

- (1) Annex II is replaced by the text in Annex I to this Regulation.
- (2) Annex III is replaced by the text in Annex II to this Regulation.
- (3) Annex V is replaced by the text in Annex III to this Regulation.
- (4) Annex VI is replaced by the text in Annex IV to this Regulation.
- (5) Annex VII is replaced by the text in Annex V to this Regulation.
- (6) Annex IX is replaced by the text in Annex VI to this Regulation.
- (7) Annex XIII is replaced by the text in Annex VII to this Regulation.
- (8) Annex XIV is replaced by the text in Annex VIII to this Regulation.
- (9) Annex XV is replaced by the text in Annex IX to this Regulation.
- (10) Annex XVII is replaced by the text in Annex X to this Regulation.

³ Commission Delegated Regulation (EU) 2015/2195 of 9 July 2015 on supplementing Regulation (EU) No 1304/2013 of the European Parliament and of the Council on the European Social Fund, regarding the definition of standard scales of unit costs and lump sums for reimbursement of expenditure by the Commission to Member States (OJ L 313, 28.11.2015, p. 22).

(11) The text in Annex XI to this Regulation is added as Annex XXI.

Article 2

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

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

Done at Brussels, 27.9.2019

For the Commission
The President
Jean-Claude JUNCKER