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ADDENDUM 5 to NOTE

from: Presidency

to: Permanent Representatives Committee (part 2)/Council

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Subject: Cohesion Policy Legislative Package
= Statements

A. Statement by Poland

on performance reserve, framework, and review

"Poland strongly supports the performance framework, review as well as the performance reserve which now - by the decision of the Presidency - is being negotiated within the Friends of Presidency for the Multiannual Financial Framework 2014-2020. Poland believes that the performance reserve is an integral part of the implementation of cohesion policy and is a positive incentive for Member States to effectively and efficiently implement the funds of the Common Strategic Framework and thus is in the position that all elements of the performance mechanism shall be discussed together.

Therefore, Poland proposes to remain the possibility to come back to the discussion on the performance framework after the decision of the General Affairs Council on the obligatory performance reserve is taken and when discussing indicators during the Cypriot Presidency.

From the beginning of negotiations on the cohesion policy legislative package, Poland has been calling for more result-oriented cohesion policy and regular open political debate on the progress on the implementation of the strategic objectives. Having that in mind, Poland with difficulty accepts the fact that the proposal on the performance framework has been weakened as a majority of Member States do not notice the value added of this mechanism. However, Poland is going to keep its strong favorable position on the performance framework and reserve, and therefore, believes that the performance reserve will remain obligatory and other Member States which support better spending would take a more open approach towards this mechanism at the further steps of the negotiations."

**B. Statement by United Kingdom, France, Italy, Netherlands, Czech Republic, Poland, and Spain
on the need for better harmonisation between the rules of the funds of the Common Strategic Framework in 2014-2020**

A key innovation in the Commission's proposal for the 2014-2020 programming period is the introduction of a Common Provisions Regulation to provide common rules for the five funds (ERDF, ESF, CF, EAFRD and EMFF) in order to improve the overall strategic impact of the funds, reduce the inefficient duplication of administrative systems, allow greater alignment of funds and prioritise greater focus on results over process.

Excellent progress has been made under the Danish Presidency on the Cohesion Policy package of regulations, the Rural Development Fund regulation and the Maritime and Fisheries Fund regulation. The policy aspects of these regulations are becoming clearer and this now provides the basis for a renewed focus on harmonisation and simplification across the whole set of regulations for all 5 funds.

Consequently, we call on the incoming Cypriot Presidency to facilitate a horizontal review of the regulations to ensure that the amendments to the regulations made so far respect the aspirations for harmonisation, simplification, a reduction in administration and if necessary, to make further changes in order to meet these aspirations.

**C. Statement by Italy
on performance framework**

Italy considers that right performance mechanisms are key to achieve quality of cohesion policy interventions and better spending in a substantial, not formal, way. Learning from concrete experience of implementing on the ground performance schemes over more than a decade, Italy is fully convinced that effective performance enhancing mechanisms are based on a few significant indicators and that targets should be quantified and monitored with a rigorous and transparent method, avoiding the concrete risks of pure formal compliance incurred in the past. Moreover, such systems require significant strengthening of technical capacity, also at the level of the European Commission.

Italy regrets that technical analysis of performance framework took place only to very limited extent, that discussion on performance framework was artificially separated from that on performance reserve, and is convinced that a number of significant implementation aspects are still to be understood and basically improved, particularly the links with a truly result-based programming.

Having being at the forefront in suggesting concrete options for a result-based programming, Italy is particularly worried of the effectiveness of the proposed mechanism of performance framework. This is due to the concrete risk of a bias in the programming process, involving adverse selection against ambitious and innovative projects. As a consequence, the proposed mechanism is likely to be detrimental to actual better spending.

In order to design performance schemes which are really conducive to more projects of higher quality for European citizens and taxpayers, Italy understands that performance framework should be discussed again at a later stage, and in any case before the final approval of the legislative package, by taking into account the global picture emerging on other thematic blocs and need for internal balance and coherence, with a view to ensuring higher effectiveness of Cohesion Policy.

D. Statement by the Commission
on Article 20

- "1. The Commission considers that the principal purpose of the performance framework is to stimulate effective delivery of programmes to attain the planned results and that the measures in paragraphs 3 and 4 should be applied with due regard for that purpose.

2. Where the Commission has suspended all or part of interim payments for a priority under paragraph 3, the Member State may continue to submit requests for payment in relation to the priority in order to avoid decommitment for the programme under Article 78.

3. The Commission confirms that it will apply the provisions of Article 20 (4) so that there will be no double loss of funds in relation to underachievement of targets linked to under-absorption of funds under a priority. Where part of commitments to a programme have been decommitted as a result of the application of Articles 78 to 80 of the Common Provisions Regulation with a consequent reduction in the amount of support for the priority, or where at the end of the programming period there is underspending of the amount allocated to the priority, the relevant targets set out in the performance framework shall be adjusted pro-rata for the purpose of the application of Article 20 (4)."
