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to : Permanent Representatives Committee (part 2)/Council

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Subject: Cohesion Policy legislative package  
- Presidency compromise on Information and Communication and Technical Assistance

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Delegations will find attached a compromise text on Information and Communication, and Technical Assistance parts of the proposal for the Common Provisions Regulation and the Technical Assistance part of the ETC Regulation.

The modifications highlighted in bold are for the Common Provisions Regulation those in comparison to the proposal presented by the Commission on 6 October 2011, corrected on 14 March 2012 and as amended on 11 September 2012 as well as for the ETC Regulation those in comparison to the revised version (corrigendum) presented by the Commission on 14 March 2012.

## **Common Provisions Regulation**

### **Chapter II**

#### **Information and Communication**

##### *Article 105*

#### **Information and Communication**

1. Member States and managing authorities shall be responsible for:
  - (a) drawing up the communication strategies;**
  - (b)** ensuring the establishment of a single website or a single website portal providing information on, and access to, all operational programmes in that Member State;
  - (c)** informing potential beneficiaries about funding opportunities under operational programmes;
  - (d)** publicising to Union citizens the role and achievements of cohesion policy and of the Funds through information and communication actions on the results and impact of Partnership **Agreements**, operational programmes and operations.
  
2. Member States **or managing authorities** shall in order to ensure transparency in the support of the Funds maintain a list of operations by operational programme and by Fund **in a spreadsheet data format, which allows the data to be sorted, searched, extracted, compared and easily published on the internet, for instance in CSV or XML format. The list of operations** shall be accessible through the single website or the single website portal providing a list [...] of all operational programmes in that Member State.

**In order to stimulate the re-use of the list of operations by the private sector, the civil society or national public administration, the website may include a clear indication to the applicable licensing rules under which the data are published.**

The list of operations shall be updated at least every **six** months.

The minimum information to be set out in the list of operations is laid down in Annex VI.

3. Detailed rules concerning the information and **communication** measures for the public and information measures for applicants and for beneficiaries are laid down in Annex VI.
4. **The Commission shall adopt**, by means of implementing acts in accordance with the examination procedure **laid down in** Article 143(3), **uniform conditions concerning** the technical characteristics of information and **communication** measures for the operation and instructions for creating the emblem and a definition of the standard colours.

#### *Article 106*

#### **Communication strategy**

1. The **Member State or** the managing authorities **ies** shall draw up a communication strategy for each operational programme. A common communication strategy may be drawn up for several operational programmes. **The communication strategy shall take into account the size of the operational programme(s) in accordance with the principle of proportionality.**

The communication strategy shall include the elements set out in Annex VI [...].

2. The communication strategy shall be **submitted to the** [...] monitoring committee **for approval in accordance with Article 100 (2) (d) no later than a year after the adoption** of the operational programme(s) **concerned.**

**Where a common communication strategy is drawn up for several operational programmes and concerns several monitoring committees, the Member State may designate one monitoring committee which shall be responsible, in consultation with the other relevant monitoring committees, for the approval of the common strategy and for the approval of any subsequent revisions.**

**When necessary, the Member State or managing authorities may revise the communication strategy during the programming period. The revised communication strategy shall be submitted by the managing authority to the monitoring committee for approval in accordance with Article 100 (2) (d).**

3. The managing authority **in accordance with Article 100 (1) (c)** shall inform the **responsible monitoring committee(s) [...]** at least once a year **on the** progress in the implementation of the communication strategy and **on** its **analysis** of the results **as well as on the planned information and communication activities to be carried out in the following year.**

#### *Article 107*

#### **Information and communication officers and their networks**

1. Each Member State shall designate an information and communication officer to coordinate information and communication actions in relation to one or several Funds, **including relevant European Territorial Cooperation programmes,** and shall inform the Commission accordingly.
2. The information and communication officer shall **be responsible for the coordination [...]**of national network of Funds' communicators, **where such a network exists, [...]** the creation and maintenance of the website or website portal referred to in Annex VI and [...] **and the provision of** an overview **of** communication measures undertaken at **Member State** level.
3. Each managing authority shall designate one person [...] **responsible for information and communication at operational programme level and shall inform the Commission of those designated. Where appropriate, one person may be designated for several operational programmes.**

4. Union networks comprising the members designated by the Member States [...] shall be set up by the Commission to ensure exchange on the results of the implementation of the communication strategies, the exchange of experience in implementing the information and communication measures, and the exchange of good practices.
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## ANNEX VI

### **Information and Communication on Support from the Funds**

#### **1. List of Operations**

The list of operations referred to **in** Article 105(2) shall contain, in at least one of the official languages of the Member State, the following data fields:

- Beneficiary name (only legal entities; no natural persons shall be named);
- Operation name;
- Operation summary;
- Operation start date;
- Operation end date (expected date for physical completion or full implementation of the operation);
- Total eligible expenditure allocated to the operation;
- EU co-financing rate (as per priority axis);
- Operation postcode; **or other appropriate location indicator**;
- Country;
- Name of category of intervention for the operation in accordance **with article 87(2)(b)(vi)**;
- Date of last update of the list of operations.

The headings of the data fields [...] shall be also provided in at least one other official language of the European Union.

#### **2. Information and communication measures for the public**

The Member State, the managing authority and the beneficiaries shall take the steps necessary to provide information and **communication** to the public on operations supported by an operational programme in accordance with this Regulation.

## 2.1. Responsibilities of the Member State and the Managing Authority

1. The Member State and the managing authority shall ensure that the information and **communication** measures are implemented in accordance with the communication strategy and that these measures aim at the widest possible media coverage using various forms and methods of communication at the appropriate level.
2. The Member State or the managing authority shall be responsible for organising at least the following information and **communication** measures:
  - (a) a major information activity publicising the launch of the operational programme(s), **even prior to the approval of the relevant communication strategies**;
  - (b) [...] one major information activity a year which promotes the funding opportunities and the strategies pursued and presents the achievements of the operational programme(s), including, where relevant, major projects, joint action plans and other project examples;
  - (c) displaying **the emblem** of the European Union [...] at the premises of each managing authority;
  - (d) publishing electronically the list of operations in accordance with section 1;
  - (e) giving examples of operations, by operational programme, on the single website or on the operational programme's website that is accessible through the single website portal; [...]
  - (f) updating information about the operational programme's implementation, including, **when appropriate**, its main achievements, on the single website or on the operational programme's website that is accessible through the single website portal.

3. The managing authority shall, **where appropriate**, involve in information and **communication** measures, in accordance with national laws and practices, the following bodies:

- (a) the partners referred to in Article 5;
- (b) Commission representation offices in the Member States, **and** information centres on Europe;
- (c) educational and research institutions.

These bodies shall widely disseminate the information described in Article 105(1) [...].

## **2.2. Responsibilities of the Beneficiaries**

1. All information and communication measures provided by the beneficiary shall acknowledge support from the Funds to the operation by displaying:

- (a) the EU emblem in accordance with the technical characteristics laid down in the implementing act adopted by the Commission under Article 105(4), together with a reference to the European Union;
- (b) a reference to the Fund [...] supporting the operation.

**Where an information or publicity measure promotes several operations co-financed by more than one Fund, the reference provided for in point (b) shall not be required.**

2. During implementation of an operation, the beneficiary shall inform the public about the support obtained from the Funds by:



- (a) providing on the beneficiary's website, where such a website exists, a short description of the operation, **proportionate to the level of support**, including its aims and results, and highlighting the financial support from the European Union;
  - (b) placing, **for operations not falling under paragraphs 4 and 5**, at least one poster with information about the project (minimum size A3), including the financial support from the European Union, at a location readily visible to the public, such as the entrance area of a building.
3. For operations supported by the ESF, and in appropriate cases for operations supported by the ERDF or Cohesion Fund, the beneficiary shall ensure that those taking part in an operation have been informed of this funding.

Any document, **relating to the implementation of an operation which is used for the public or for participants**, including any attendance or other certificate, [...] shall include a statement to the effect that the operational programme was supported by the Fund or Funds.

4. During implementation of an ERDF or Cohesion Fund operation, the beneficiary shall put up, at a location readily visible to the public, a temporary billboard of a significant size for each operation consisting in the financing of infrastructure or construction operations for which the total public support to the operation exceeds EUR 500 000.
5. No later than three months after completion of an operation the beneficiary shall put up a permanent plaque or billboard of significant size at a location readily visible to the public for each operation that fulfils the following criteria:
- (a) the total public support to the operation exceeds EUR 500 000; **and**
  - (b) the operation consists in the purchase of a physical object or in the financing of infrastructure or of construction operations.

The plaque or billboard shall state the [...] name and **the main objective** of the operation. **It** shall be prepared in accordance with the technical characteristics adopted by the Commission in accordance with Article 105(4).

### **3. Information measures for potential beneficiaries and beneficiaries**

#### **3.1. Information Measures for Potential Beneficiaries**

1. The managing authority shall ensure, in accordance with the communication strategy, that the operational programme's strategy, objectives and funding opportunities offered by joint support from the European Union and the Member State, are disseminated widely to potential beneficiaries and all interested parties, with details of the financial support from the Funds concerned.
2. The managing authority shall ensure that potential beneficiaries are informed on at least the following:
  - a) the funding opportunities and the launching of application calls;**
  - b) the conditions of eligibility of expenditure to be met in order to qualify for support under an operational programme;**
  - c) a description of the procedures for examining applications for funding and of the time periods involved;**
  - d) the criteria for selecting the operations to be supported;**
  - e) the contacts at national, regional or local level that are able to provide information on the operational programmes;**

- f) **the responsibility of potential beneficiaries to inform the public about the aim of the operation and the support from the Funds to the operation in accordance to point 2.2 above. The Managing Authority may request potential beneficiaries to [...] propose indicative communication activities, proportional to the size of the operation, in the applications [...].**

### 3.2. Information Measures for Beneficiaries

1. The managing authority shall inform beneficiaries that acceptance of funding constitutes an acceptance of their inclusion in the list of operations published in accordance with Article 105(2).
2. The managing authority **may** provide information and publicity kits, including templates in electronic format, to help beneficiaries to meet their obligations set out in section 2.2.

### 4. Elements of the communication strategy

The communication strategy drawn up by the managing authority and, **where appropriate, by the Member State** shall include, **as a general rule** the following elements:

- (a) a description of the approach taken, including the main information and **communication** measures to be taken by the Member State or the managing authority aimed at potential beneficiaries, beneficiaries, multipliers and the wider public, having regard to the aims described in Article 105;
- (b) a description of materials that will be made available in formats accessible for people with disabilities;
- (c) a description of how beneficiaries will be supported in their communication activities;
- (d) the indicative budget for implementation of the strategy;

- (e) a description of the administrative bodies, including the staff resources, responsible for implementing the information and **communication** measures;
  - (f) the arrangements for the information and **communication** measures referred to in section 2, including the website or website portal at which such data may be found;
  - (g) an indication of how the information and **communication** measures shall be assessed in terms of visibility and awareness of policy, operational programmes and operations, and of the role played by the Funds and the European Union;
  - (h) where appropriate, a description of the use of the main results of the previous operational programme;
  - (i) [...]
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## 2. TECHNICAL ASSISTANCE

### Common Provisions Regulation

#### TITLE VI

#### TECHNICAL ASSISTANCE

##### *Article 51*

##### **Technical Assistance at the Initiative of the Commission**

1. At the initiative of, or on behalf of the Commission, the CSF Funds may support the preparatory, monitoring, administrative and technical assistance, evaluation, audit and control measures necessary for implementing this Regulation.

Those measures **shall include in particular:**

- (a) assistance for project preparation and appraisal, including with the EIB;
- (b) support for institutional strengthening and administrative capacity-building for the effective management of the CSF Funds;
- (c) studies linked to the Commission's reporting on the CSF Funds and the cohesion report;
- (d) measures related to the analysis, management, monitoring, information exchange and implementation of the CSF Funds, as well as measures relating to the implementation of control systems and technical and administrative assistance;

- (e) evaluations, expert reports, statistics and studies, including those of a general nature, concerning the current and future operation of the CSF Funds, which may be carried out where appropriate by the EIB;
- (f) actions to disseminate information, support networking, carry out communication activities, raise awareness and promote cooperation and exchange of experience, including with third countries. To bring about greater efficiency in communication to the public at large and stronger synergies between the communication activities undertaken at the initiative of the Commission, the resources allocated to communication actions under this Regulation shall also contribute to the corporate communication of the political priorities of the European Union as far as they are related to the general objectives of this Regulation;
- (g) the installation, operation and interconnection of computerised systems for management, monitoring, audit, control and evaluation;
- (h) actions to improve evaluation methods and the exchange of information on evaluation practices;
- (i) actions related to audit;
- (j) the strengthening of national and regional capacity regarding investment planning, needs assessment, preparation, design and implementation of financial instruments, joint action plans and major projects, including joint initiatives with the EIB.

**The Commission shall set out each year its plans on the type of actions related to the measures listed in paragraph 1, when a contribution from the CSF Funds is foreseen, by means of implementing acts. Those implementing acts shall be adopted in accordance with the advisory procedure [referred to in Article 143(2) or in accordance with Fund-specific Regulations, where appropriate]<sup>1</sup>.**

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<sup>1</sup> To be reviewed at a later stage as in the context of Committee procedures and following a comprehensive reading of the Common Provisions Regulation.

*Article 52*

**Technical Assistance of the Member States**

1. At the initiative of a Member State, the CSF Funds may support actions for preparation, management, monitoring, evaluation, information and communication, networking, complaint resolution, and control and audit. The CSF Funds may be used by the Member State to support actions for the reduction of administrative burden for beneficiaries, including electronic data exchange systems, and actions to reinforce the capacity of Member State authorities and beneficiaries to administer and use the CSF Funds. These actions may concern preceding and subsequent programming periods.
2. The Fund-specific rules may add or exclude actions which may be financed by the technical assistance of each CSF Fund.

**TITLE IV**

**TECHNICAL ASSISTANCE**

*Article 109*

**Technical assistance of the Member States**

- 1. The amount of the Funds allocated to technical assistance shall be limited to 4% of the total amount of the Funds allocated to operational programmes in a Member State under each category of region of the investment for growth and jobs goal, and 4% of the Cohesion Fund allocated to operational programmes in a Member State.**
- 2. Without prejudice to the provisions of paragraph 1, each Fund may support technical assistance operations eligible under any of the other Funds. The allocation for technical assistance from the ERDF and the ESF respectively shall not exceed 10% of the total allocation of each Fund to operational programmes in a Member State under each category of region of the Investment for growth and jobs goal.**

- 3. By derogation from Article 60(1) and (2), technical assistance operations may be implemented outside the programme area, but within the Union, provided that the operations are for the benefit of the operational programme, or, in the case of a technical assistance operational programme for the other programmes concerned.**
- 4. The allocations referred to in paragraph 1 may be used to support technical assistance operations relating to any category of region or the Cohesion Fund provided that the limit referred to in paragraph 1 is not exceeded.**
- 5. By way of derogation from paragraph 1, when the total amount of the Funds allocated to a Member State under the Investment for growth and jobs goal is up to EUR 1 billion, the amount allocated to technical assistance may increase up to 6% but shall not exceed EUR 50 000 000.**
- 6.** Technical assistance shall take the form of a mono-fund priority axis within an operational programme **and**/or of a specific operational programme.
- 7. By way of derogation from paragraph 1 and without prejudice to paragraph 5, in duly justified cases and where a multi-fund operational programme including ERDF and Cohesion Fund covers the entire territory of the Member State comprising a single category of region, the allocation to a priority axis for technical assistance from Cohesion Fund to the programme may be increased to 7% of the total allocation of Cohesion Fund in the Member State provided that the total amount allocated to technical assistance in the Member State does not exceed 4% of the total amount of the Funds allocated to the Member State.**

[...]



**European Territorial Cooperation Regulation**

**Chapter IV**

**MONITORING AND EVALUATION**

*Article 16*

**Technical assistance**

- 1.** The amount of the ERDF allocated to technical assistance shall be limited to 6% of the total amount allocated to a cooperation programme, but shall not be less than EUR 1 500 000. **For transnational cooperation programmes, this amount may increase up to 7% of the total amount allocated to a cooperation programme.**
  
- 2.** **By way of derogation from paragraph 1 when the total amount allocated to a cross border cooperation programme is up to EUR 50 000 000 technical assistance may, in duly justified cases, increase above 6% but shall not exceed EUR 3 500 000.**