



Council of the
European Union

Brussels, 18 July 2014
(OR. en)

11741/14

SOC 560
FSTR 37
CADREFIN 91
REGIO 81
DELECT 125

COVER NOTE

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

date of receipt: 17 July 2014

To: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

No. Cion doc.: C(2014) 4988 final

Subject: COMMISSION DELEGATED REGULATION (EU) No .../.. of 17.7.2014
supplementing Regulation (EU) No 223/2014 of the European Parliament
and of the Council on the Fund for European Aid to the Most Deprived by
laying down the content of the annual and final implementation reports,
including the list of common indicators

Delegations will find attached document C(2014) 4988 final.

Encl.: C(2014) 4988 final



Brussels, 17.7.2014
C(2014) 4988 final

COMMISSION DELEGATED REGULATION (EU) No .../..

of 17.7.2014

supplementing Regulation (EU) No 223/2014 of the European Parliament and of the Council on the Fund for European Aid to the Most Deprived by laying down the content of the annual and final implementation reports, including the list of common indicators

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Considering the objectives of the Fund for European Aid to the Most Deprived (FEAD), in particular the objective of alleviating the worst forms of poverty, it is essential to monitor the progress of implementation of operational programmes (OP) with a view to allow a proper assessment of their contribution to those objectives, including in the context of Europe 2020. To this purpose, Member States are required to draw up and provide to the Commission annual and final implementation reports with up-to-date information on the implementation of OP.

In order to ensure that the information provided by MS with regard to the implementation of OP is appropriate to monitor the contribution of the FEAD to its specific objectives, it is essential that detailed rules in form of delegated acts supplementing the provisions set out in the FEAD Regulation¹ are set out on the content of the annual and final implementation reports, as well as on the common indicators to be reported by MS.

These rules ensure that the essential and up-to-date information concerning the implementation of the OP supported by the FEAD is made available, without increasing, in an inappropriate way, the administrative burden for the national authorities.

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.

These consultations considerably contributed to the content of this delegated act. In particular, the following consultations were carried out with a view to the adoption of this delegated act:

- Consultation with experts from Member States by way of a survey conducted between 5 May and 27 May 2014, with the purpose to gather information on the list of indicators and type of data that could be collected in order to ensure a proper and effective monitoring of the FEAD;

- An ad hoc meeting of experts was held on 2 June 2014, with a view to discuss the content of the annual and final implementation reports, and share with them the result of the analysis of the answers to the survey.

- A final consultation was conducted by email on all the elements covered in the delegated act between the 13 and 27 of June 2014.

These consultations made clear that Member States were particularly concerned about the reporting, on an annual basis, of information regarding the assessment of the contribution to achieving the specific and global objectives of the FEAD as set out in the FEAD Regulation,

¹ Regulation (EU) No 223/2014 of the European Parliament and of the Council of 11 March 2014 on the Fund for European Aid to the Most Deprived (OJ L 72, 12.3.2014, p. 1)

To take account of Member States concerns, and also the nature of this information, the Commission considered to be appropriate to limit the inclusion of this information in the annual implementation reports of 2017 and 2022 and the final implementation report only. .

With regard to the list of common indicators, the Member States expressed strong reservations against the collection of any personal data from end recipients. To address these concerns, the delegated act explicitly provides that the indicators relating to the the most deprived persons shall be determined on the basis of an informed estimation of the partner organisations rather than on information provided by end recipients

Overall the comments provided by the experts of Member States contributed to ensuring a proper balance between the minimum requirements that should be established in order to ensure a proper monitoring of the FEAD, as provided for in the FEAD Regulation, and their implications for Member States in terms of increase of administrative burden.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Regulation (EU) No 223/2014 empowers the Commission to adopt delegated acts laying down the content of the annual and final implementation reports, including the list of common indicators by 17 July 2014 (Article 13 (6)).

COMMISSION DELEGATED REGULATION (EU) No .../..

of 17.7.2014

supplementing Regulation (EU) No 223/2014 of the European Parliament and of the Council on the Fund for European Aid to the Most Deprived by laying down the content of the annual and final implementation reports, including the list of common indicators

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 223/2014 of the European Parliament and of the Council on the Fund for European Aid to the Most Deprived² and in particular Article 13(6) thereof,

Whereas:

- (1) Regulation (EU) No 223/2014 requires the Commission to adopt delegated acts supplementing non-essential elements with regard to the Fund for European Aid to the Most Deprived (FEAD)
- (2) Regulation (EU) No 223/2014 requires the Member States to submit to the Commission annual and final reports containing information regarding the implementation of Operational Programmes (OP), including the data relating to the common and, where applicable, specific programme indicators.
- (3) In order to ensure an appropriate monitoring of the implementation of the OP and their contribution to the FEAD specific objectives, provisions should be established regarding the content of the annual and final implementation reports, as well as the list of common indicators which need to be reported.
- (4) The requirements set out in this Regulation should be limited to the necessary taking into account of the provisions set out under the Regulation (EU) No 223/2014, as well as applicable Union law concerning the protection of individuals with regard to the processing of personal data and on the free movement of such data, in particular Directive 95/46/EC of the European Parliament and of the Council³.
- (5) To take account of the different nature of operations supported by OP I and OP II and in accordance with the different provisions that apply to each OP as set out in the Regulation (EU) No 223/2014, different requirements should apply with regard to the

² OJ L 72, 12.3.2014, p. 1

³ Directive 95/46/EC of the European parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p.31)

content of the annual and final implementation reports, as well as to the list of common indicators which should be reported for each OP. To take account of the specific need to protect the dignity of the individuals supported by the FEAD and with a view to reducing the administrative burden for beneficiaries to the minimum necessary in accordance with the requirements set out in the Regulation (EU) No 223/2014, the values of certain indicators be determined based on the informed estimation of the partner organisations rather than information provided by end recipients.

In order to allow for the prompt application of the measures provided for in this Regulation, this Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*

HAS ADOPTED THIS REGULATION:

Article 1
Subject matter

This Regulation lays down the provisions supplementing Regulation (EU) No 223/2014 with regard to the content of the annual and final implementation reports, including the list of common indicators.

Article 2
Content of the annual and final implementation reports and list of indicators
(Article 13(6) of Regulation (EU) No 223/2014)

1. The annual and final implementation reports shall set out the following elements:
 - (a) Information on implementation of the programme by reference to the common indicators for the partially or fully completed operations.
 - (b) Information on and assessment of the actions which take into account the principles set out in Articles 5(6), 5(11) and, where appropriate, Article 5(13) of Regulation (EU) No 223/2014.

In addition to the information referred to in the first subparagraph, the annual and final implementation reports on OP II shall provide information on the data regarding to the programme specific indicators and quantified target values, and on the changes in the result indicators, as well as information on and assessment of the progress towards achieving the specific objectives of the operational programme.

2. The indicators referred to in point (a) of paragraph 1 are listed in the Annex.
3. In addition to the information referred to in paragraph 1, the final implementation report and, in 2017 and 2022, the annual implementation report shall set out information on and assessment of the contribution to achieving the specific and global objectives of the FEAD, specified in Article 3 of Regulation (EU) No 223/2014.

Article 3

This Regulation shall enter into force on the 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, 17.7.2014

For the Commission
The President
José Manuel BARROSO