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"A" ITEM NOTE

From: Permanent Representatives Committee (Part 2)
To: Council

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Subject: Proposal for a Council Regulation amending Regulation (EU, Euratom) No 1311/2013 laying down the multiannual financial framework for the years 2014-2020
-Agreement in principle
-Request by the Council for the consent of the European Parliament

1. On 20 January 2015, the Commission submitted the above-mentioned proposal to the Council. The proposed revision of the multiannual financial framework (MFF) is foreseen in Article 19 of Council Regulation (EU, Euratom) No 1311/2013 laying down the MFF for the years 2014-2020 in the case of a late adoption of operational programmes in the area of shared management and especially cohesion. This Article stipulates that "the revision concerning the transfer of unused allocation for the year 2014 shall be adopted before 1 May 2015".

2. On 13 February 2015, the Permanent Representatives Committee reached a unanimous agreement in principle on the text of the draft Council Regulation as revised by the lawyer-linguists, set out in doc. 5479/15 FIN 49 CADREFIN 5 REGIO 7 FSTR 6 FC 7 SOC 21 AGRISTR 2 PECHE 25 JAI 38 ASIM 3.
3. The Permanent Representatives Committee took note of two draft Commission declarations, set out in ANNEX 1 and ANNEX 2, which should be entered into the minutes of the Council meeting.
4. The Croatian, Greek, Italian, Romanian and Spanish delegations asked to enter a unilateral statement, set out in ANNEX 3, into the minutes of the Council meeting.
5. In accordance with Article 312(2) of the Treaty on the Functioning of the European Union, the Council may adopt the Regulation unanimously and after obtaining the consent of the European Parliament.
6. The Council is therefore invited to:
 - confirm the agreement in principle on the text of the draft Council Regulation;
 - agree to forward the draft Council Regulation amending Regulation (EU, Euratom) No 1311/2013 laying down the multiannual financial framework for the years 2014-2020 as revised by the lawyer-linguists, set out in doc. 5479/15 FIN 49 CADREFIN 5 REGIO 7 FSTR 6 FC 7 SOC 21 AGRISTR 2 PECHE 25 JAI 38 ASIM 3, to the European Parliament for its consent.
 - enter in its minutes the draft Commission declarations, set out in ANNEX 1 and ANNEX 2, and the unilateral statement by Croatia, Greece, Italy, Romania and Spain set out in ANNEX 3.

**DRAFT COMMISSION DECLARATION ON THE IMPACT ON PAYMENT
CEILINGS OF THE CARRY-OVER AND TRANSFER OF 2014 ALLOCATIONS
FOR PROGRAMMES UNDER SHARED MANAGEMENT**

The Commission proposal for a revision of the multiannual financial framework (MFF) based on Article 19 of Council Regulation No 1311/2013 laying down the MFF for the years 2014-2020 (COM(2015) 15 final) has dealt with the issue of the implication on payments of the transfer of unused allocations (commitments) from 2014 for funds under shared management. As explained in the explanatory memorandum of the proposal, the medium and longer term implications of the transfer on payments are more difficult to predict than the short term implications on 2014/2015.

The major variable in the forecasting exercise is the evolution of interim payment claims, i.e. estimating the speed of implementation of the projects. Improving the reliability of forecasts is a continuous effort by both the Commission services and the Member States.

Furthermore, the evolution of payments and the impact on annual payment ceilings also depends on the implementation of programmes in other headings and on payments on the RAL and potential de-commitments.

Based on the currently available information, the Commission does not propose to revise the payment ceilings, since it is confident that payments on the re-profiled commitments could be managed within the current ceilings, taking into account the existing flexibility provisions of the MFF Regulation (notably the Global Margin for payments which ensures that no margins under the payment ceilings are lost).

The Commission will regularly review the situation in the light of implementation and make proposals if appropriate in line with the provisions of the MFF Regulation.

**DRAFT COMMISSION DECLARATION ON THE FINALISATION OF THE
PROGRAMMING PROCESS**

The Commission confirms that it will be an active partner in the programming process for the concerned programmes, that it will collaborate fully with the national and regional authorities, and will take all available measures with the aim of achieving the adoption of the programmes in line with the provisions of the Common Provisions Regulation as soon as possible after the adoption of the amended Council Regulation laying down the MFF for the years 2014-2020, and in any event before the end of 2015.

The Commission will, in the context of the preparation in 2017 of the strategic report under Article 53 (2) of the Regulation 1303/2013, report on the progress in the implementation of the programmes, provide information on the use made of the commitment appropriations relating to the first years of the programming period and on difficulties in the implementation within the context of the amended MFF profile. In case such difficulties arise and acknowledging the utmost importance of the support of the investments of the ESI Funds, based on the practical experience of the 2007-2013 programmes, the Commission will endeavour to agree with Member States appropriate measures to achieve the speedy implementation of high-quality programmes for 2014-2020 and to aim to achieve full use of all existing and allocated EU resources.

UNILATERAL STATEMENT BY CROATIA, GREECE, ITALY, ROMANIA AND SPAIN
ON THE AMENDMENT OF REGULATION NO. 1311/2013 LAYING DOWN THE
MULTIANNUAL FINANCIAL FRAMEWORK FOR THE YEARS 2014-2020

The European Structural and Investment (ESI) Funds support the increase of the EU investment and, consequently, growth and jobs in the EU. The quality of programming, including an appropriate financial profile, represents an essential element to that effect. This is the reason why Regulation No. 1311/2013 laying down the multiannual financial framework (MFF) for the years 2014-2020 provides for the possibility to transfer allocations not used for 2014 to subsequent years.

The Member States, underwriters of this statement, believe that the need to support investment will have to be fully pursued in the framework of the amendment proposal of Reg. No. 1311/2013. The choice of not spreading commitments in equal proportions over more subsequent years could represent a serious risk of not achieving this goal. For this reason, these Member States maintain that it will be essential to do the utmost to address possible difficulties deriving from an uneven financial profile, which could produce unused commitments in the period 2014-2020.

Should such eventuality arise, Croatia, Greece, Italy, Romania and Spain believe that the Commission should propose appropriate measures, including legislative proposals, to readdress this situation. These Member States recall in particular the experience of 2010 when the modification of Article 93 of Reg. No. 1083/2006 (Reg. No. 539/2010) took into account the late approval of programs.

The method chosen in the amendment proposal of Reg. No. 1311/2013 amounts to a reduction of the MFF in real terms (2011 prices), which deserves more in depth scrutiny.

Croatia, Greece, Italy, Romania and Spain reiterate that it is vital to fully use all existing and allocated EU resources, as an indispensable means for supporting the EU investments.