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#### INFORMATION NOTE

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	<p>Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1303/2013 of the European Parliament and of the Council 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 as regards specific measures for Greece.</p> <p>- Outcome of the European Parliament's first reading (Strasbourg, 5 to 8 October 2015)</p>

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## I. INTRODUCTION

The rapporteur, Mrs Iskra MIHAYLOVA (ALDE, BG), presented a report on behalf of the Committee on Regional Development, aiming at taking over the Commission proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1303/2013 of the European Parliament and of the Council 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 as regards specific measures for Greece.

## II. VOTE

The Parliament adopted its first-reading position on 6 October 2015 by taking over the Commission proposal. This position is contained in its legislative resolution as set out in the Annex hereto<sup>1</sup>.

On 16 September 2015, the Permanent Representatives Committee had approved the Commission's proposal without amendments. The Council should therefore be in a position to approve the European Parliament's position. The legislative act would then be adopted in the wording which corresponds to the European Parliament's position.

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<sup>1</sup> The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text. The symbol "||" indicates changes of a linguistic or clerical nature.

## **Common provisions on European Structural and Investment Funds: specific measures for Greece \*\*\*I**

**European Parliament legislative resolution of 6 October 2015 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1303/2013 of the European Parliament and of the Council 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 as regards specific measures for Greece (COM(2015)0365 – C8-0192/2015 – 2015/0160(COD))**

### **Ordinary legislative procedure: first reading**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2015)0365),
  - having regard to Article 294(2) and Article 177 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0192/2015),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - after consulting the European Economic and Social Committee,
  - after consulting the Committee of the Regions,
  - having regard to the opinion of the Committee on Budgets on the proposal's financial compatibility,
  - having regard to the undertaking given by the Council representative by letter of 16 September 2015 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
  - having regard to the letter from the Committee on Fisheries,
  - having regard to Rules 59, 50(1) and 41 of its Rules of Procedure,
  - having regard to the report of the Committee on Regional Development and the opinion of the Committee on Employment and Social Affairs (A8-0260/2015),
- A. Whereas the proposed amending Regulation is an exceptional measure, aimed at providing immediate support to Greece by enabling it to access and use before the end of 2015 Union

funding for cohesion policy still available from the 2007-2013 programming period, and therefore its adoption is urgent;

1. Adopts its position at first reading hereinafter set out;
2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

**Position of the European Parliament adopted at first reading on 6 October 2015 with a view to the adoption of Regulation (EU) 2015/... of the European Parliament and of the Council amending Regulation (EU) No 1303/2013 as regards specific measures for Greece**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 177 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

After consulting the European Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions<sup>2</sup>,

Acting in accordance with the ordinary legislative procedure<sup>3</sup>,

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<sup>2</sup> OJ C , , p. .

<sup>3</sup> Position of the European Parliament of 6 October 2015.

Whereas:

- (1) Greece has been affected by the consequences of the financial crisis in a unique manner. The crisis has led to persistently negative gross domestic product growth rates in Greece over a number of years, which, in turn, has caused serious liquidity shortages and a lack of public funds available for the public investment needed to foster a sustainable recovery. This has created an exceptional situation which needs to be addressed with specific measures.
- (2) It is vital that the lack of liquidity and of public funds in Greece do not hinder investment under programmes supported by the European Regional Development Fund, the European Social Fund and the Cohesion Fund (the 'Funds') and by the European Maritime and Fisheries Fund (EMFF).
- (3) In order to ensure that Greece has sufficient financial means to start the implementation of 2014-2020 programmes supported by the Funds and the EMFF in 2015 and 2016, it is appropriate to increase the level of the initial pre-financing paid to its operational programmes under the Investment for growth and jobs goal and to programmes supported by the EMFF through the payment of an additional initial pre-financing amount in those years.

- (4) To ensure that the additional initial pre-financing amount is effectively used and reaches beneficiaries of the Funds and the EMFF as soon as possible so that they can make planned investments and be promptly reimbursed following the submission of their payment applications, the additional initial pre-financing amount should be repaid to the Commission if it is not followed by an adequate level of payment applications submitted to the Commission within a certain deadline.
- (5) In order to improve the effective use of available funding for the financing of operations under operational programmes for the Convergence and Regional competitiveness and employment objectives supported by the Funds which were adopted for the 2007-2013 period in Greece, the maximum co-financing rates should be increased and the ceiling for payments to programmes at the end of the programming period raised. To ensure that the resources thus made available are effectively used for the financing of investments on the ground, a reporting mechanism should be provided for.
- (6) Given the urgency of the support needed, this Regulation should enter into force on the day following that of its publication in the Official Journal of the European Union.
- (7) Regulation (EU) No 1303/2013 of the European Parliament and of the Council<sup>4</sup> should therefore be amended,

HAVE ADOPTED THIS REGULATION:

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<sup>4</sup> 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).

## Article 1

Regulation (EU) No 1303/2013 is amended as follows:

(1) in Article 134, the following paragraph is inserted:

"1a. In addition to the instalments provided for in points (b) and (c) of paragraph 1, an additional initial pre-financing amount of 3,5% of the amount of support from the Funds and the EMFF for the entire programming period shall be paid to operational programmes in Greece each year in 2015 and 2016.

The additional initial pre-financing shall not apply to programmes under the European territorial cooperation goal nor to the specific allocation for the Youth Employment Initiative.

If, by 31 December 2016, the total amount of the additional initial pre-financing paid on the basis of this paragraph in 2015 and 2016 to an operational programme by Fund, where applicable, is not covered by payment applications submitted by the certifying authority for that programme, Greece shall repay to the Commission the total amount of the additional initial pre-financing for that Fund paid to that programme. Those repayments shall not constitute a financial correction and shall not reduce support from the Funds or the EMFF to the operational programmes. The amounts repaid shall constitute internal assigned revenue in accordance with point (c) of Article 21(3) of the Financial Regulation."



(2) in Article 152, the following paragraphs are added:

- "4. By way of derogation from Article 79(1) of Regulation (EC) No 1083/2006, the ceiling for the cumulative total amount of pre-financing and interim payments made shall be 100% of the contribution from the Funds to operational programmes for the Convergence and Regional competitiveness and employment objectives in Greece.
5. By way of derogation from Articles 53(2) and 77(1) of Regulation (EC) No 1083/2006 and notwithstanding the Commission decisions fixing the maximum rate and the maximum amount of the contribution from the Funds for each Greek operational programme and for each priority axis, interim payments and payments of the final balance shall be calculated by applying a maximum co-financing rate of 100% to the eligible expenditure indicated for Greek operational programmes for the Convergence and Regional competitiveness and employment objectives under each priority axis in each statement of expenditure certified by the certifying authority. Article 77(2) of Regulation (EC) No 1083/2006 shall not apply to operational programmes in Greece.

6. Greece shall establish a mechanism to ensure that the additional amounts made available as a result of the measures set out in paragraphs 4 and 5 of this Article are used solely for payments to beneficiaries and operations for its operational programmes.

Greece shall submit a report to the Commission on the implementation of paragraphs 4 and 5 of this Article by the end of 2016 and shall further report in the final implementation report to be submitted pursuant to point (a) of Article 89(1) of Regulation (EC) No 1083/2006."

## Article 2

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 ...,

*For the European Parliament*

*For the Council*

*The President*

*The President*

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