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COVER NOTE

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

date of receipt: 19 December 2018

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: C(2018) 8468 final

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 19.12.2018
amending Delegated Regulation (EU) 2015/2195 on supplementing
Regulation (EU) No 1304/2013 of the European Parliament and of the
Council on the European Social Fund, regarding the definition of standard
scales of unit costs and lump sums for reimbursement of expenditure by
the Commission to Member States

Delegations will find attached document C(2018) 8468 final.

Encl.: C(2018) 8468 final



Brussels, 19.12.2018
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COMMISSION DELEGATED REGULATION (EU) .../...

of 19.12.2018

amending Delegated Regulation (EU) 2015/2195 on supplementing Regulation (EU) No 1304/2013 of the European Parliament and of the Council on the European Social Fund, regarding the definition of standard scales of unit costs and lump sums for reimbursement of expenditure by the Commission to Member States

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) No 1304/2013 (the European Social Fund (ESF) Regulation) enables the Commission to reimburse the expenditure of Member States using standard scales of unit costs (SSUCs) and lump sums defined by the Commission.

To this end, the second subparagraph of Article 14(1) of the ESF Regulation empowers the Commission to adopt delegated acts concerning the types of operation covered and lay down SSUCs and lump sums, their maximum amounts and the methods for adjusting them.

Taking into account the disparities between and within Member States, the Commission set out in Delegated Regulation (EU) 2015/2195 SSUCs and lump sums for the reimbursement of expenditure to Sweden, France, the Czech Republic, Belgium, Malta, Italy, Slovakia, Germany, the Netherlands, Austria, Lithuania, Poland, Romania, Cyprus, Croatia, Ireland, Spain and the United Kingdom for certain types of operations and categories of costs. Delegated Regulation (EU) 2015/2195 also contains SSUCs for operations in the area of education that can be applied by the 26 Member States listed. The simplified cost options laid down in that act, their amounts, and, where appropriate, their adjustment, were based on either:

- methods submitted by those Member States and assessed by the Commission in line with the principle of sound financial management, or
- methods taking into account statistical data on staff costs of Public Employment Services as published by the Commission, or
- methods taking into account statistical data as published by Eurostat and as reported by national Public Employment Services on the
 - cost of providing core education goods and services, or
 - cost of providing labour market interventions, or
 - cost of continuing vocational training courses at enterprise-level.

Considering the benefits of this simplification option for Member States, the Commission has been systematically collecting and assessing data from Member States in order to extend its coverage to more Member States and types of operations.

In this context, this delegated act amends Delegated Regulation (EU) 2015/2195 by setting out SSUCs for specific Member States on the basis of data submitted by them, in particular by:

- the addition of an annex setting out SSUCs for Bulgaria;
- the amendment of existing annexes to either amend existing or set out additional SSUCs for France, the Czech Republic, Slovakia, Austria, Romania, Cyprus and Croatia.

In addition, this delegated act amends Annex XIV to Delegated Regulation (EU) 2015/2195, which sets out SSUCs for 26 Member States for education operations. This amendment clarifies the application of a pro rata amount for vocational and educational training and adds amounts for Greece.

Furthermore, additional SSUCs are set out for all EU Member States within Annex XIV for the following types of operations:

- training of unemployed, job-seekers or inactive people;
- provision of employment-related counselling services;
- training to employed persons.

The reimbursement on the basis of the SSUCs or lump sums set out in this regulation is without prejudice to compliance with the applicable Union law and the national law relating to its implementation, including State aid and public procurement rules.

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.

The preparation of this delegated act was based on information and data provided by Member States. The definition of the SSUCs and lump sums takes into account the different needs and the particular characteristics of different regions and operations.

All parts of the delegated act have been subject to consultation of experts from Member States. A first version of the delegated act is scheduled for discussion with experts from all Member States on 4th September 2018. The European Parliament was informed of the consultations.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

For the purposes of reimbursement by the Commission of expenditure to Member States on the basis of SSUCs and lump sums defined by the Commission, Article 14(1) of Regulation (EU) No 1304/2013 empowers the Commission to adopt delegated acts regarding the type of operations covered, the definition of the SSUCs and lump sums and their maximum amounts and the commonly agreed methods for adjusting them.

COMMISSION DELEGATED REGULATION (EU) .../...

of 19.12.2018

amending Delegated Regulation (EU) 2015/2195 on supplementing Regulation (EU) No 1304/2013 of the European Parliament and of the Council on the European Social Fund, regarding the definition of standard scales of unit costs and lump sums for reimbursement of expenditure by the Commission to Member States

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1304/2013 of the European Parliament and of the Council on the European Social Fund and repealing Council Regulation (EC) No 1081/2006¹, and in particular Article 14(1) thereof,

Whereas:

- (1) With a view to simplifying the use of the European Social Fund 'ESF' and reducing the administrative burden for beneficiaries, it is appropriate to increase the scope of standard scales of unit costs and lump sums available for reimbursement to Member States. The standard scales of unit costs and lump sums for reimbursement to Member States should be established on the basis of data submitted by Member States or published by Eurostat and on the basis of methods commonly agreed, including the methods set out in Article 67(5) and Article 68b(1) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council².
- (2) Taking into account the significant disparities between Member States regarding the level of costs for a particular type of operation, the definition and amounts of standard scales of unit costs and lump sums may differ according to the type of operation and the Member State concerned in order to reflect their specificities.
- (3) Bulgaria has submitted methods for defining standard scales of unit costs for reimbursement of expenditure by the Commission.
- (4) France, the Czech Republic, Slovakia, Austria, Romania, Cyprus and Croatia have submitted methods for either, amending existing standard scales of unit costs, or defining additional standard scales of unit costs for reimbursement by the Commission concerning types of operation not yet covered by Delegated Regulation (EU) 2015/2195.
- (5) For the SSUCs relating to operations supporting education and applicable to all Member States except Denmark, amounts for Greece should be added and the conditions for reimbursement for vocational education and training should be clarified and reduced to reflect specific situations.

¹ OJ L 347, 20.12.2013, p. 470.

² 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).

- (6) Taking into account the objective of expanding the possibilities for Member States to seek reimbursement from the Commission on the basis of standard scales of unit costs or lump sums, the Commission has defined unit costs and amounts for each Member State on the basis of data published by Eurostat and as reported by national Public Employment Services for operations in the area of training.
- (7) Delegated Regulation (EU) 2015/2195 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2015/2195 is amended as follows:

- (1) Annex II to Regulation (EU) 2015/2195 is replaced by the text in Annex I to this Regulation.
- (2) Annex III to Regulation (EU) 2015/2195 is replaced by the text in Annex II to this Regulation.
- (3) Annex VII to Regulation (EU) 2015/2195 is replaced by the text in Annex III to this Regulation.
- (4) Annex X to Regulation (EU) 2015/2195 is replaced by the text in Annex IV to this Regulation.
- (5) Annex XIII to Regulation (EU) 2015/2195 is replaced by the text in Annex V to this Regulation.
- (6) Annex XIV to Regulation (EU) 2015/2195 is replaced by the text in Annex VI to this Regulation.
- (7) Annex XV to Regulation (EU) 2015/2195 is replaced by the text in Annex VII to this Regulation.
- (8) Annex XVI to Regulation (EU) 2015/2195 is replaced by the text in Annex VIII to this Regulation.
- (9) The text in Annex IX to this Regulation is added as Annex XX to Regulation (EU) 2015/2195.

Article 2

This Regulation shall enter into force on the twentieth 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, 19.12.2018

For the Commission
The President
Jean-Claude JUNCKER