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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. Cion doc.:	COM(2018) 375 final - doc. 9511/18
Subject:	Common Provisions Regulation - Partial mandate for negotiations with the European Parliament

I. INTRODUCTION

1. On 29 May 2018 the Commission adopted the proposal for the Common Provisions Regulation (CPR)¹. The Common Provisions Regulation sets out common provisions for seven shared management funds: the Cohesion Fund, the European Maritime and Fisheries Funds, the European Regional Development Fund, the European Social Fund Plus, the Asylum and Migration Fund, the Border Management and Visa Instrument and the Internal Security Fund.
2. The Economic and Social Committee and the Committee of the Regions have been consulted on the CPR Regulation and have adopted their opinions on 17 October and 5 December 2018, respectively.

¹ Doc. 9511/18 + ADD 1.

3. The European Parliament voted its first reading position on the Common Provisions Regulation on 27 March 2019.

II. WORK WITHIN THE COUNCIL SO FAR

4. The CPR Regulation was presented to the Structural Measures Working Party in June 2018 during the Bulgarian Presidency. Detailed examination of the texts took place during the Austrian Presidency, as stated in their Presidency's Report (doc. 15428/1/18 REV).
5. On 17 December, under the Austrian Presidency, the Permanent Representatives Committee agreed on a mandate for negotiations on the Common Provisions Regulation covering provisions on programming and strategic planning (Block 1) and management and control (Block 5) as set out in doc. 15429/18 ADD1.
6. On 15 February, under the Romanian Presidency, the Permanent Representatives Committee agreed on a mandate for negotiations on the Common Provisions Regulation covering conditions for eligibility and performance framework (Block 2), as set out in doc. 6147/19 ADD1.
7. The Structural Measures Working Party has been examining the remaining provisions of the Common Provisions Regulation. During the January-March 2019 period, particular emphasis was put on the provisions on monitoring, evaluation, communication and visibility (Block 3) and on financial support from the Funds (Block 4) and their related annexes.
8. The Common Provisions Regulation is a proposal linked to the MFF. However, Blocks 3 and 4 do not contain any provisions currently bracketed due to their budgetary or horizontal nature.
9. Substantial progress has been made since the detailed examination of Blocks 3 and 4 began at working party level. Following the Structural Measures Working Party on 28 March, **the Presidency is of the view that, based on the principle that "nothing is agreed until everything is agreed", a balanced compromise text has emerged from discussions amongst Member States.** For ease of reference, changes to the previous compromise texts (docs. WK4122/19 for Block 3 and WK4124/19 for Block 4) are indicated in bold underlined for additions and strikethrough for deletions in Annex to this note.

IV. WAY FORWARD

10. The Permanent Representatives Committee is, therefore, invited to agree on a partial mandate for negotiations and confirm the compromise proposed by the Presidency as set out in the Annex to this note.

Common Provisions Regulation - Block 3 and Block 4

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TITLE IV²
MONITORING, EVALUATION, COMMUNICATION AND VISIBILITY

CHAPTER I
Monitoring

Article 33

Monitoring committee

1. The Member State shall set up a committee to monitor the implementation of the programme ('monitoring committee') within three months of the date of notification to the Member State concerned of the decision approving the programme.

The Member State may set up a single monitoring committee to cover more than one programme.

2. Each monitoring committee shall adopt its rules of procedure. The rules of procedure of the monitoring committee shall include provisions regarding the prevention of any situation of conflict of interest.
3. The monitoring committee shall meet at least once a year and shall review all issues that affect the programme's progress towards achieving its objectives.
4. The rules of procedures of the monitoring committee and information shared with the monitoring committee shall be published on the website referred to in Article 44(1).
5. Paragraphs 1 to 4 shall not apply to programmes limited to the specific objective set out in Article 4(1)(xi) of the ESF+ Regulation and related technical assistance.

² Confidentiality clause: a new paragraph 4a is added in Article 63 as follows:

Member States shall ensure publication of information in accordance with the requirements established in this Regulation and in the Fund-specific Regulations, except where Union law or national law excludes such publication for reasons of security, public order, criminal investigations or protection of personal data in accordance with Regulation (EU) 2016/679[1] of the European Parliament and of the Council.

Article 34

Composition of the monitoring committee

1. The Member State shall determine the composition of the monitoring committee and shall ensure a balanced representation of the relevant Member State authorities and intermediate bodies and of representatives of the partners referred to in Article 6.

Each member of the monitoring committee may have a vote. Other participants may attend the meeting in accordance with the rules of procedure.

The monitoring committee shall be chaired by a representative of the Member State or of the managing authority.

The list of the members of the monitoring committee shall be published on the website referred to in Article 44(1).

2. Representatives of the Commission shall participate in the work of the monitoring committee in an advisory capacity.

Article 35

Functions of the monitoring committee

1. The monitoring committee shall examine:
 - (a) the progress in programme implementation and in achieving the milestones and targets;
 - (b) any issues that affect the performance of the programme and the measures taken to address those issues;
 - (c) the contribution of the programme to tackling the challenges identified in the relevant country-specific recommendations, **where applicable**;
 - (d) the elements of the *ex ante* assessment listed in Article 52(3) and the strategy document referred to in Article 53(1);

- (e) the progress made in carrying out evaluations, syntheses of evaluations and any follow-up given to findings;
- (f) the implementation of communication and visibility actions;
- (g) the progress in implementing operations of strategic importance, where relevant;
- (h) the fulfilment of enabling conditions and their application throughout the programming period;
- (i) the progress in administrative capacity building for public institutions and beneficiaries, where relevant;
- (j) information regarding the implementation of the programme's contribution to [Invest EU] in accordance with Article 10 or of the resources transferred in accordance with Article 21, where applicable.

As regards the programmes supported by the EMFF, the monitoring committee shall be consulted and shall, if it considers it appropriate, give an opinion on any amendment of the programme proposed by the managing authority.

2. The monitoring committee shall approve:
 - (a) the methodology and criteria used for the selection of operations, including any changes thereto, without prejudice to points (b), (c) and (d) of Article 27(3);
 - (b) the final performance report for programmes supported by the Funds;
 - (c) the evaluation plan and any amendment thereto;
 - (d) any proposal by the managing authority for the amendment of a programme including for transfers in accordance with Article 19(5) and Article 21, with the exception of programmes supported by the EMFF.

Article 36
Annual performance review

1. Review meetings shall be organised between the Commission and each Member State to examine the performance of each programme.

The review meeting may cover more than one programme.

The review meeting shall be chaired by the Commission or, if the Member State so requests, co-chaired by the Member State and the Commission.

2. For programmes supported by the Funds, the review meeting shall be organised annually. The Member State and the Commission may agree not to organise an annual review meeting. In this case, the review may be carried out in writing.
3. For programmes supported by the Funds, the Member State shall no later than one month before the review meeting provide the Commission with concise and updated information related to the progress in programme implementation.
4. The outcome of the annual review meeting shall be recorded in agreed minutes.
5. The Member State shall follow up issues raised during the meeting, which significantly affect the implementation of the programme and inform the Commission within three months of the measures taken.

Paragraph 6 deleted.

Article 37

Transmission of data

1. The Member State or the managing authority shall electronically transmit to the Commission cumulative data for each programme by 31 January, 30 April, 31 July, and 31 October of each year in accordance with the template set out in Annex VII, with the exception of the information required in point (b) of paragraph 2 and in paragraph 3 that should be reported by 31 January and 31 July of each year.

The first transmission shall be due by 31 January 2022 and the last one by 31 January [2030].

For priorities supporting the specific objective set out in Article 4(1)(xi) of the ESF+ Regulation, data shall be transmitted annually by 30 November.

The ESF+ Regulation may determine specific rules for the frequency of collecting and transmitting long-term result indicators.

2. The data shall be broken down for each priority by specific objective and, where relevant, by category of regions and shall refer to:
 - (a) the number of selected operations, their total eligible cost, the contribution from the Funds and the total eligible expenditure declared by the beneficiaries to the managing authority, all broken down by types of intervention;
 - (b) the values of output and result indicators for selected operations and values achieved by operations.
3. For financial instruments data shall also be provided on the following:
 - (a) eligible expenditure by type of financial product;
 - (b) amount of management costs and fees declared as eligible expenditure;
 - (c) the amount, by type of financial product, of private and public resources mobilised in addition to the Funds;

- (d) interest and other gains generated by support from the Funds to financial instruments referred to in Article 54 and resources returned attributable to support from the Funds as referred to in Article 56.
 - (e) total value of loans, equity or quasi-equity investments in final recipients which were ~~provided~~ **guaranteed** with programme resources and which were actually disbursed to final recipients.
4. The data submitted in accordance with this Article shall be reliable and reflect the data available in the electronic system referred to in Article 66 (1)(e) as of the end of the month preceding the month of submission.
 5. The Member State or the managing authority shall publish **or provide a link to** all the data transmitted to the Commission on the website referred to in point (b) of Article 41 or on the website referred to in Article 44(1).

Paragraph 6 deleted.

Article 38

Final performance report

1. For programmes supported by the Funds, each managing authority shall submit to the Commission a final performance report of the programme by 15 February [2031].
2. The final performance report shall assess the achievement of programme objectives based on the elements listed in Article 35(1) with the exception of the information provided under Article 35(1)(d).

3. The Commission shall examine the final performance report and inform the managing authority of any observations within five months of the date of receipt of the final performance report. Where such observations are made, the managing authority shall provide all necessary information with regard to those observations and, where appropriate, inform the Commission, within three months, of measures taken. The Commission shall inform the managing authority and the Member State of the acceptance of the report, within two months after receiving all necessary information from the managing authority. Where the Commission does not inform the managing authority within those deadlines, the report shall be deemed to be accepted.
4. The managing authority shall publish final performance reports on the website referred to in Article 44(1).
5. The Commission shall, in order to ensure uniform conditions for the implementation of this Article, adopt an implementing act establishing the template for the final performance report. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 108.

CHAPTER II

Evaluation

Article 39

Evaluations by the Member State

1. The managing authority or the Member State shall carry out evaluations of the programmes related to one or more of the following criteria: effectiveness, efficiency, relevance, coherence and EU added value with the aim to improve the quality of the design and implementation of programmes. Evaluations may also cover other relevant criteria **and may cover more than one programme.**
2. In addition, an evaluation for each programme to assess its impact shall be carried out by 30 June 2029.
3. Evaluations shall be entrusted to internal or external experts functionally independent.
4. The managing authority or the Member State shall ensure the necessary procedures to produce and collect the data necessary for evaluations.
5. The managing authority or the Member State shall draw up an evaluation plan which may cover more than one programme. For the AMIF, the ISF and the BMVI, that plan shall include a mid-term evaluation to be completed by 31 March 2024.
6. The managing authority **or the Member State** shall submit the evaluation plan to the monitoring committee no later than one year after the approval of the programme.
7. All evaluations shall be published on the website referred to in Article 44(1).

Article 40

Evaluation by the Commission

1. The Commission shall carry out a mid-term evaluation to examine the effectiveness, efficiency, relevance, coherence and EU added value of each Fund by the end of 2024. The Commission may make use of all relevant information already available in accordance with Article [128] of the Financial Regulation.
2. The Commission shall carry out a retrospective evaluation to examine the effectiveness, efficiency, relevance, coherence and EU added value of each Fund by 31 December 2031.

CHAPTER III

Visibility, transparency and communication

SECTION I

VISIBILITY OF SUPPORT FROM THE FUNDS

Article 41

Visibility

Each Member State shall ensure:

- (a) the visibility of support relating to operations supported by the Funds with particular attention to operations of strategic importance;
- (b) communication to Union citizens of the role and achievements of the Funds through a single website portal providing access to all programmes involving that Member State.

Article 42
Emblem of the Union

Member States, managing authorities and beneficiaries shall use the emblem of the European Union in accordance with Annex VIII when carrying out visibility, transparency and communication activities.

Article 43
Communication officers and networks

1. Each Member State shall identify a communication coordinator for visibility, transparency and communication activities in relation to the support from the Funds, including programmes under the European territorial cooperation goal (Interreg) where that Member State hosts the managing authority. The communication coordinator may be appointed at the level of the body defined under Article 65(6) and shall coordinate communication and visibility measures across programmes. This coordination may be done through a communication strategy covering some or all programmes.

The communication coordinator shall involve in the visibility, transparency and communication activities the following bodies, where appropriate:

- (a) European Commission Representations and European Parliament Liaison Offices in the Member States; as well as Europe Direct Information Centres and other networks; educational and research institutions;
 - (b) other relevant partners and bodies.
2. Each managing authority shall identify a communication officer for each programme ('programme communication officer'), which may be responsible for more than one programme.
3. The Commission shall maintain the network comprising communication coordinators, programme communication officers and Commission representatives to exchange information on visibility, transparency and communication activities.

SECTION II

TRANSPARENCY OF IMPLEMENTATION OF THE FUNDS AND COMMUNICATION ON PROGRAMMES

Article 44

Responsibilities of the managing authority

1. The managing authority shall ensure that, within six months of the programme's approval, there is a website where information on programmes under its responsibility is available, covering the programme's objectives, activities, available funding opportunities and achievements.
2. The managing authority shall ensure the publishing on the website referred to in paragraph 1, or on the single website portal referred to in point (b) of Article 41, a timetable of the planned calls for proposals that should be updated at least twice a year with the following indicative data:
 - (a) geographical area covered by the call for proposal;
 - (b) policy objective or specific objective concerned;
 - (c) type of eligible applicants;
 - (d) total amount of support for the call;
 - (e) start and end date of the call.
3. The managing authority shall make the list of operations selected for support by the Funds publicly available on the website in at least one of the official languages of the Union and shall update that list at least every six months. Each operation shall have a unique code. The list shall contain the following data:
 - (a) in the case of legal entities, the beneficiary's name;
 - (b) where the beneficiary is a natural person the first name and the surname;

- (c) for EMFF operations linked to a fishing vessel, the Union fishing fleet register identification number as referred to in Commission Implementing Regulation (EU) 2017/218³;
- (d) name of the operation;
- (e) the purpose of the operation and its expected achievements;
- (f) start date of the operation;
- (g) expected or actual date of completion of the operation;
- (h) total cost of the operation;
- (i) Fund concerned;
- (j) specific objective concerned;
- (k) Union co-financing rate;
- (l) location indicator or geolocation for the operation and country concerned;
- (m) for mobile operations or operations covering several locations the location of the beneficiary where the beneficiary is a legal entity; or the region on NUTS 2 level where the beneficiary is a natural person;
- (n) type of intervention for the operation in accordance with Article 67(3)(g);

For data referred to in points (b) and (c) of the first sub-paragraph, the data shall be removed after two years from the date of the initial publication on the website.

The data referred to in points (b) and (c) of the first sub-paragraph shall only be published if such publication is in line with national law on the protection of personal data.

³ Commission Implementing Regulation (EU) 2017/218 of 6 February 2017 on the Union fishing fleet register (OJ L 34, 9.2.2017, p. 9).

4. The data referred to in paragraphs 2 and 3 shall be published on the website in open, machine-readable formats, as set out in Article 5(1) of the Directive 2003/98/EC⁴ of the European Parliament and of the Council, which allows data to be sorted, searched, extracted, compared and reused..
5. The managing authority shall inform the beneficiaries that the data will be made public before the publication takes place in accordance with this Article.
6. The managing authority shall ensure that communication and visibility material is made available upon request to Union Institutions, bodies or agencies and that a royalty-free, non-exclusive and irrevocable licence to use such material and any pre-existing rights attached to it is granted to the Union in accordance with Annex VIII. This shall not ~~enquire~~ **require** significant additional costs for **neither** the beneficiaries **nor the managing authority**.

Article 45

Responsibilities of beneficiaries

1. Beneficiaries and bodies implementing financial instruments shall acknowledge support from the Funds, including resources reused in accordance with Article 56, to the operation, by:
 - (a) providing on the beneficiary's official website or social media sites, where such sites exist, a short description of the operation, proportionate to the level of support, including its aims and results, and highlighting the financial support from the Funds;
 - (b) providing a statement highlighting the support from the Funds in a visible manner on documents and communication material relating to the implementation of the operation, intended for the general public or for participants;

⁴ Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345, 31.12.2003, p. 90).

- (c) publicly displaying plaques or billboards as soon as the physical implementation of operations involving physical investment or the purchase of equipment starts, with regard to the following:
 - (i) operations supported by the ERDF and the Cohesion Fund the total cost of which exceeds EUR 500 000;
 - (ii) operations supported by the ESF+, the EMFF, the ISF, the AMIF and the BMVI the total cost of which exceeds EUR 100 000.
- (d) for operations not falling under point (c), publicly displaying at least one poster of a minimum size A3 or equivalent electronic display with information about the operation highlighting the support from the Funds, except when the beneficiary is a natural person;
- (e) for operations of strategic importance and operations whose total cost exceed EUR 10 000 000 organising a communication activity and involving the Commission and the responsible managing authority in a timely manner.

For operations supported under the specific objective set out in Article 4(1) (xi) of the ESF+ Regulation, the requirement set out in point (d) shall not apply.

2. For small project funds, the beneficiary shall ensure that final recipients comply with the requirements set out in paragraph 1, except for projects where the total cost is under EUR 10.000.

For financial instruments, the beneficiary shall acknowledge the origin and ensure the visibility of the Union funding (in particular when promoting the actions and their results), by providing coherent, effective and targeted information to multiple audiences, including the media and the public.

3. Where the beneficiary does not comply with its obligations under Article 42 or paragraphs 1 and 2 of this Article, and where remedial actions have not been put into place, the managing authority shall apply measures, taking into account the principle of proportionality, by cancelling up to 2% of the support from the Funds to the operation concerned.

TITLE V
FINANCIAL SUPPORT FROM THE FUNDS

CHAPTER I
Forms of Union contribution

Article 46
Forms of Union contribution to programmes

The Union contribution may take any of the following forms:

- (a) financing not linked to costs of the relevant operations in accordance with Article 89 and based on either of the following:
 - (i) the fulfilment of conditions;
 - (ii) the achievement of results;
- (b) reimbursement of support provided to beneficiaries in accordance with Chapter II and III of this Title;
- (c) unit costs in accordance with Article 88, which cover all or certain specific categories of eligible costs, clearly identified in advance by reference to an amount per unit;
- (d) lump sums in accordance with Article 88, which cover in global terms all or certain specific categories of eligible costs, clearly identified in advance;
- (e) flat-rate financing in accordance with Article 88, which covers specific categories of eligible costs, clearly identified in advance, by applying a percentage;
- (f) a combination of the forms referred to in points (a) to (e).

CHAPTER II

Forms of support by Member States

Article 47

Forms of support

Member States shall use the contribution from the Funds to provide support to beneficiaries in the form of grants, financial instruments or prizes or a combination thereof.

SECTION I

FORMS OF GRANTS

Article 48

Forms of grants

1. Grants provided by Member States to beneficiaries may take any of the following forms:
 - (a) reimbursement of eligible costs actually incurred by a beneficiary or the private partner of PPP operations⁵ and paid in implementing operations, contributions in kind and depreciation;
 - (b) unit costs;
 - (c) lump sums;
 - (d) flat-rate financing;

⁵ *A new recital (37a) is included: (37a) In order to provide the necessary flexibility for implementation of PPPs, the PPP agreement should specify when expenditure is considered eligible, in particular under which conditions it is incurred by the beneficiary or by the private partner of the PPP, irrespective of who is carrying out the payments in implementing the PPP operation.*

- (e) a combination of the forms referred to in points (a) to (d), provided that each form covers different categories of costs or where they are used for different projects forming a part of an operation or for successive phases of an operation.
- (f) financing not linked to costs, provided such grants are covered by a reimbursement of the Union contribution pursuant to Articles 88 or 89.

Where the total cost of an operation does not exceed EUR 200 000, the contribution provided to the beneficiary from the ERDF, the ESF+, the AMIF, the ISF and the BMVI shall take the form of unit costs, lump sums or flat rates, except for operations for which the support constitutes State aid or for which the calculation of simplified cost options by the Managing Authority cannot be performed in any of the ways listed in paragraph 2. Where flat-rate financing is used, only the categories of costs to which the flat-rate applies may be reimbursed in accordance with point (a) of the first sub-paragraph.

In addition, allowances and salaries paid to participants may be reimbursed in accordance with point (a) of the first sub-paragraph.

2. The amounts for the forms of grants referred to under point (b), (c) and (d) of paragraph 1, shall be established in one of the following ways:
 - (a) a fair, equitable and verifiable calculation method based on:
 - (i) statistical data, other objective information or an expert judgement;
 - (ii) the verified historical data of individual beneficiaries;
 - (iii) the application of the usual cost accounting practices of individual beneficiaries;
 - (b) draft budget established on a case-by-case basis and agreed *ex ante* by the body selecting the operation, where the total cost of the operation does not exceed EUR 200 000;
 - (c) in accordance with the rules for application of corresponding unit costs, lump sums and flat rates applicable in Union policies for a similar type of operation;

- (d) in accordance with the rules for application of corresponding unit costs, lump sums and flat rates applied under schemes for grants funded entirely by the Member State for a similar type of operation;
- (e) flat rates and specific methods established by or on the basis of this Regulation or the Fund-specific Regulations.

Article 49

Flat-rate financing for indirect costs concerning grants

Where a flat rate is used to cover indirect costs of an operation, it may be based on one of the following:

- (a) a flat rate of up to 7 % of eligible direct costs, in which case the Member State shall not be required to perform a calculation to determine the applicable rate;
- (b) a flat rate of up to 15 % of eligible direct staff costs in which case the Member State shall not be required to perform a calculation to determine the applicable rate;
- (c) a flat rate of up to 25 % of eligible direct costs, provided that the rate is calculated in accordance with Article 48(2)(a).

In addition, where a Member State has calculated a flat rate in accordance with Article 67(5)(a) of Regulation (EU) No 1303/2013, that flat rate may be used for a similar operation for the purposes of point (c).

Article 50

Direct staff costs concerning grants

1. Direct staff costs of an operation may be calculated at a flat rate of up to 20 % of the direct costs other than the direct staff costs of that operation, without there being a requirement for the Member State to perform a calculation to determine the applicable rate, provided that the direct costs of the operation do not include public works contracts or supply or service contracts which exceed in value the thresholds set out in Article 4 of Directive 2014/24/EU of the European Parliament and of the Council⁶ or in Article 15 of Directive 2014/25/EU of the European Parliament and of the Council⁷.
2. For the purposes of determining direct staff costs, an hourly rate may be calculated in one of the following ways:
 - (a) by dividing the latest documented annual gross employment costs by 1720 hours for persons working full time, or by a corresponding pro-rata of 1720 hours, for persons working part-time;
 - (b) by dividing the latest documented monthly gross employment costs by the average monthly working time of the person concerned in accordance with applicable national rules referred to in the employment or work contract or an appointment decision (both referred to as employment document).
3. When applying the hourly rate calculated in accordance with paragraph 2, the total number of hours declared per person for a given year or month shall not exceed the number of hours used for the calculation of that hourly rate.

⁶ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

⁷ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

4. Where annual gross employment costs are not available, they may be derived from the available documented gross employment costs or from the contract for employment, duly adjusted for a 12 month period.
5. Staff costs related to individuals who work on part-time assignment on the operation may be calculated as a fixed percentage of the gross employment costs, in line with a fixed percentage of time worked on the operation per month, with no obligation to establish a separate working time registration system. The employer shall issue a document for employees setting out that fixed percentage.

Article 51

Flat rate financing for eligible costs other than direct staff costs concerning grants

1. A flat rate of up to 40 % of eligible direct staff costs may be used in order to cover the remaining eligible costs of an operation. The Member State shall not be required to perform a calculation to determine the applicable rate.
2. For operations supported by the AMIF, the ISF, the BMVI, the ESF+ and the ERDF, salaries and allowances paid to participants shall be considered additional eligible costs not included in the flat rate.
3. The flat rate referred to in paragraph 1 of this Article shall not be applied to staff costs calculated on the basis of a flat rate as referred to in Article 50(1).

Article 51a
*Grants under conditions*⁸

1. Member States may provide grants under conditions to beneficiaries which are fully or partially repayable as specified in the document setting out the conditions for support.
2. Repayments by the beneficiary shall be made under the conditions agreed by the managing authority and the beneficiary.
3. Member States shall reuse resources paid back by the beneficiary for the same purpose or in accordance with the objectives of the respective programme **before 31 December 2030** ~~during a period of at least eight years after the end of the eligibility period~~ either in the form of grants under conditions, in the form of **a** financial instrument or in **an** other form of support. **The amounts paid back and information about their reuse shall be included in the final performance report.**
4. Member States shall adopt the necessary measures to ensure that the resources shall be kept in separate accounts or under appropriate accounting codes.
- 5. Union resources paid back by beneficiaries at any time, but not reused by the end of the period indicated in paragraph 3, shall be repaid to the budget of the Union in accordance with Article 82.**

⁸ *A new definition is added in Article 2: (38new) 'grants under conditions' means a type of grant subject to conditions linked to the repayment of support.*

SECTION II
FINANCIAL INSTRUMENTS

Article 52

Financial instruments

1. Managing authorities may provide a programme contribution, from one or more programmes to existing or newly created financial instruments set up at national, regional, transnational or cross border level and implemented directly by, or under the responsibility of, the managing authority which contribute to achieving specific objectives.
2. Financial instruments shall provide support to final recipients only for investments, including working capital, expected to be financially viable and which do not find sufficient funding from market sources.

This support shall be provided only for the elements of the investments which are not physically completed or fully implemented at the date of the investment decision.

3. Support from the Funds through financial instruments shall be based on an *ex ante* assessment⁹ drawn up under the responsibility of the managing authority. The *ex ante* assessment shall be completed before managing authorities make programme contributions to financial instruments.

⁹ *Recital (42) is to be amended as follows: (42) The decision by the managing authorities to finance support measures through financial instruments should be determined on the basis of an ex ante assessment. This Regulation should lay down the minimum mandatory elements of ex ante assessments, for which indicative information available at the date of their completion should be provided, and should allow Member States to make use of the ex ante assessments carried out for the 2014-2020 period, updated where necessary, in order to avoid administrative burden and delays in setting up financial instruments.*

The *ex ante* assessment shall include at least the following elements:

- (a) the proposed amount of programme contribution to a financial instrument and the **estimated** ~~expected~~ leverage effect;
- (b) the proposed financial products to be offered, including the possible need for differentiated treatment of investors;
- (c) the proposed target group of final recipients;
- (d) the expected contribution of the financial instrument to the achievement of specific objectives.

The *ex ante* assessment may be reviewed or updated and may cover part or the entire territory of the Member State and may be based on existing or updated *ex ante* assessments.

- 4. Support to final recipients may be combined with any form of Union contribution, including from the same Fund and may cover the same expenditure item. In that case, the Funds' financial instrument support, which is part of a financial instrument operation, shall not be declared to the Commission for support under another form, another Fund or another Union instrument.
- 5. Financial instruments may be combined with programme support in the form of grants in a single financial instrument operation, within a single funding agreement, where both distinct forms of support shall be provided by the body implementing the financial instrument. In such case the rules applicable to financial instruments shall apply to that single financial instrument operation. The programme support in the form of grants shall be directly linked and necessary for the financial instrument operation and shall not exceed the value of the investment supported by the financial product.
- 6. In the case of combined support under paragraphs 4 and 5, separate records shall be kept for each source of support.
- 7. The sum of all forms of combined support shall not exceed the total amount of the expenditure item concerned. Grants shall not be used to reimburse support received from financial instruments. Financial instruments shall not be used to pre-finance grants.

Article 53

Implementation of financial instruments

1. Financial instruments implemented directly by the managing authority may only provide loans or guarantees. The managing authority shall set out the terms and conditions of the programme contribution to the financial instrument in a strategy document including all the elements set out in Annex IX.
2. Financial instruments implemented under the responsibility of the managing authority may be either of the following:
 - (a) an investment of programme resources into the capital of a legal entity;
 - (b) separate blocks of finance or fiduciary accounts.

The managing authority shall select, on the basis of applicable law, the body implementing a financial instrument.

- 2a. The managing authority may directly award a contract for the implementation of a financial instrument to:
 - (i) the EIB;
 - (ii) international financial institutions in which a Member State is a shareholder;
 - (iii) a publicly-owned bank or institution, established as a legal entity carrying out financial activities on a professional basis, which fulfils all of the following conditions:
 - there is no direct private capital participation, with the exception of non-controlling and non-blocking forms of private capital participation required by national legislative provisions, in conformity with the Treaties, which do not exert a decisive influence on the relevant bank or institution, and with the exception of forms of private capital participation which confer no influence on decisions regarding the day-to-day management of the financial instrument supported by the Funds;

- operates under a public policy mandate given by the relevant authority of a Member State at national or regional level, which includes carrying out, as all or part of its activities, economic development activities contributing to the objectives of the Funds;
- carries out, as all or part of its activities, economic development activities contributing to the objectives of the Funds in regions, policy areas or sectors for which access to funding from market sources is not generally available or sufficient;
- operates without primarily focussing on maximising profits, but ensures a long-term financial sustainability for its activities;
- ensures that the direct award of a contract referred to in point (b) does not provide any direct or indirect benefit for commercial activities by way of appropriate measures in accordance with applicable law;
- is subject to the supervision of an independent authority in accordance with applicable law.

(iv) other bodies, also entering under the scope of Article 12 of the Public Procurement Directive 2014/24/EU.

- 2b. When the body selected by the managing authority implements a holding fund, that body may further select other bodies to implement specific funds.
3. The terms and conditions of programme contributions to financial instruments implemented in accordance with paragraph 2, shall be set out in funding agreements between:
- (a) the duly mandated representatives of the managing authority and the body implementing a holding fund, where applicable;
 - (b) the duly mandated representatives of the managing authority, or, where applicable, the body implementing a holding fund and the body implementing a specific fund.

Those funding agreements shall include all the elements set out in Annex IX.

4. The financial liability of the managing authority shall not exceed the amount committed by the managing authority to the financial instrument under the relevant funding agreements.
5. The bodies implementing the financial instruments concerned, or in the context of guarantees, the body providing the underlying loans, shall support final recipients, taking due account of the programme objectives and the potential for the financial viability of the investment as justified in the business plan or an equivalent document. The selection of final recipients shall be transparent and shall not give rise to a conflict of interest.
6. National co-financing of a programme may be provided either by the managing authority or at the level of holding funds, or at the level of specific funds, or at the level of investments in final recipients, in accordance with the Fund-specific rules. When the national co-financing is provided at the level of investments in final recipients, the body implementing financial instruments shall keep documentary evidence demonstrating the eligibility of the underlying expenditure.
7. The managing authority, in managing the financial instrument pursuant to paragraph 1, or the body implementing the financial instrument, in managing the financial instrument pursuant to paragraph 2, shall keep separate accounts or maintain an accounting code per priority and, where applicable, per each category of region for each programme contribution and separately for resources referred to in Articles 54 and 56 respectively.

Article 54

Interest and other gains generated by support from the Funds to financial instruments

1. Support from the Funds paid to financial instruments shall be placed in accounts in financial institutions domiciled within Member States and shall be managed in line with sound financial management.
2. Interest and other gains attributable to support from the Funds paid to financial instruments shall be used under the same objective or objectives, as the initial support from the Funds, including the payments of management fees and reimbursement of management costs incurred by the bodies implementing the financial instrument in accordance with point (d) of Article 62(1), either within the same financial instrument; or, following the winding up of the financial instrument, in other financial instruments or other forms of support, until the end of the eligibility period.
3. Interest and other gains referred to in paragraph 2 not used in accordance with that provision shall be deducted from the accounts submitted for the final accounting year.

Article 55

Differentiated treatment of investors

1. Support from the Funds to financial instruments invested in final recipients, resources paid back as well as any type of income generated by those investments, which are attributable to the support from the Funds, may be used for differentiated treatment of investors operating under the market economy principle through an appropriate sharing of risks and profits.
2. The level of such differentiated treatment shall not exceed what is necessary to create incentives for attracting private resources, established by either a competitive process or an independent assessment.

Article 56

Re-use of resources attributable to the support from the Funds

1. Resources paid back, before the end of the eligibility period, to financial instruments from investments in final recipients or from the release of resources set aside for guarantee contracts, including capital repayments and any type of generated income that is attributable to the support from the Funds, shall be re-used in the same or other financial instruments for further investments in final recipients, or to cover the losses in the nominal amount of the Funds contribution to the financial instrument resulting from negative interest and/or for any management costs and fees associated to such further investments.
2. Member States shall adopt the necessary measures to ensure that the resources referred to in paragraph 1 and paid back to financial instruments during a period of at least eight years after the end of the eligibility period, are re-used in accordance with the policy objectives of the programme or programmes under which they were set up, either within the same financial instrument or, following the exit of those resources from the financial instrument, in other financial instruments or in other forms of support.

CHAPTER III

Eligibility rules

Article 57

Eligibility

1. The eligibility of expenditure shall be determined on the basis of national rules, except where specific rules are laid down in, or on the basis of, this Regulation or the Fund-specific Regulations.
2. Expenditure shall be eligible for a contribution from the Funds if it has been incurred by a beneficiary or the private partner of a PPP operation and paid in implementing operations, between the date of submission of the programme to the Commission or from 1 January 2021, whichever date is earlier, and 31 December [2029].

For costs reimbursed pursuant to points (b), (c) and (f) of Article 48(1), the actions constituting the basis for reimbursement shall be carried out between the date of submission of the programme to the Commission or from 1 January 2021, whichever is earlier, and 31 December [2029].

3. For the ERDF, expenditure related to operations covering more than one category of region as set out in Article 102(2) within a Member State shall be allocated to the categories of regions concerned on a *pro rata* basis, based on objective criteria.

For the ESF+, expenditure related to operations can be allocated to any of the categories of regions of the programme under the condition that the operation contributes to the achievement of the specific objectives of the programme.

4. All or part of an operation may be implemented outside of a Member State, including outside the Union, provided that the operation contributes to the objectives of the programme¹⁰.
5. For grants taking the forms of points (b), (c), and (d) of Article 48(1), the expenditure which shall be eligible for a contribution from the Funds shall equal the amounts calculated in accordance with Article 48(2).
6. Operations shall not be selected for support by the Funds where they have been physically completed or fully implemented before the application for funding under the programme is submitted to the managing authority, irrespective of whether all related payments have been made.

This provision shall not apply to the compensation measures supported by EMFF, the compensation for additional costs in the outermost regions for fisheries and aquaculture products, as well as to the operations under Article 11 of ERDF Regulation, regarding to the specific additional allocation for the outermost regions.

¹⁰ *Recital (37) is amended as follows: (37) In order to provide legal clarity, it is appropriate to specify the eligibility period for expenditure or costs linked to operations supported by the Funds under this Regulation and to restrict support for completed operations. The date from which expenditure becomes eligible for support from the Funds in case of adoption of new programmes or of changes in the programmes should also be clarified, including the exceptional possibility to extend the eligibility period to the start of a natural disaster in case there is urgent need to mobilise resources to respond to such disaster. At the same time, flexibility in programme implementation should be provided for as regards the eligibility of expenditure for operations which contribute to the objectives of the programme, regardless if they are implemented outside of a Member State or the Union or in the same category of region within a Member State.*

7. Expenditure which becomes eligible as a result of a programme amendment shall be eligible from the date of the submission of the corresponding request to the Commission.

For the ERDF, the Cohesion Fund, that shall be the case where a new type of intervention referred to in Table 1 of Annex I or, for the AMIF, the ISF and the BMVI, in the Fund-specific Regulations is added in the programme.

Where a programme is amended in order to provide a response to natural disasters, the programme may provide that the eligibility of expenditure relating to such amendment starts from the date when the natural disaster occurred.

8. Where a new programme is approved, expenditure shall be eligible from the date of submission of the corresponding request to the Commission.
9. An operation may receive support from one or more Funds or from one or more programmes and from other Union instruments. In such cases expenditure declared in a payment application for one of the Funds shall not be declared for either of the following:
 - (a) support from another Fund or Union instrument;
 - (b) support from the same Fund under another programme.

The amount of expenditure to be entered into a payment application of a Fund may be calculated for each Fund and for the programme or programmes concerned on a *pro rata* basis, in accordance with the document setting out the conditions for support.

Article 58
Non eligible costs

1. The following costs shall not be eligible for a contribution from the Funds:
 - (a) interest on debt, except in relation to grants given in the form of an interest rate subsidy or guarantee fee subsidy;
 - (b) the purchase of land for an amount exceeding 10 % of the total eligible expenditure for the operation concerned; for derelict sites and for those formerly in industrial use which comprise buildings, that limit shall be increased to 15 %; those percentages shall apply to the programme contribution paid to the final recipient or, in case of guarantees, to the amount of the underlying loan;
 - (c) value added tax ('VAT'), except where it is non-recoverable under national VAT legislation.

The treatment of VAT at the level of investments made by final recipients shall not be taken into account for the purposes of determining the eligibility of expenditure under the financial instrument. However, where financial instruments are combined with grants under Article 52(5), the provisions of first subparagraph shall apply to the grant.

Point (b) shall not apply to operations concerning environmental conservation.

2. The Fund-specific Regulations may identify additional costs that are not eligible for a contribution from each Fund.

Article 59
Durability of operations

1. The Member State shall repay the contribution from the Funds to an operation comprising investment in infrastructure or productive investment, if within five years of the final payment to the beneficiary or within the period of time set out in State aid rules, where applicable, that operation is subject to any of the following:
 - (a) a cessation or transfer of a productive activity outside the geographical area covered by the programme;
 - (b) a change in ownership of an item of infrastructure which gives to a firm or a public body an undue advantage;
 - (c) a substantial change affecting its nature, objectives or implementation conditions which would result in undermining its original objectives.

The Member State may reduce the time limit set out in the first subparagraph to three years in cases concerning the maintenance of investments or jobs created by SMEs.

Repayment by the Member State due to non-compliance with this Article shall be made in proportion to the period of non-compliance.

2. Operations supported by the ESF+ shall repay the support from the ESF+ only when they are subject to an obligation for maintenance of investment under State aid rules.
3. Paragraphs 1 and 2 shall not apply to contributions to or by financial instruments or to any operation which undergoes cessation of a productive activity due to a non-fraudulent bankruptcy.

Article 60
Relocation

1. Expenditure supporting relocation as defined in Article 2(26) shall not be eligible for a contribution from the Funds.
2. Where a contribution from the Funds constitutes State aid, the managing authority shall satisfy itself that the contribution does not support relocation in accordance with Article 14(16) of Commission Regulation (EU) No 651/2014.

Article 61
Specific eligibility rules for grants

1. Contributions in kind in the form of provision of works, goods, services, land and real estate for which no payment supported by invoices, or documents of equivalent probative value, has been made, may be eligible where the following conditions are fulfilled:
 - (a) the public support paid to the operation which includes contributions in kind does not exceed the total eligible expenditure, excluding contributions in kind, at the end of the operation;
 - (b) the value attributed to contributions in kind does not exceed the costs generally accepted on the market in question;
 - (c) the value and the delivery of the contribution in kind can be independently assessed and verified;
 - (d) in the case of provision of land or real estate, a payment, for the purposes of a lease agreement of a nominal amount per annum not exceeding a single unit of the currency of the Member State, may be made;
 - (e) in the case of contributions in kind in the form of unpaid work, the value of that work is determined by taking into account the verified time spent and the rate of remuneration for equivalent work.

The value of the land or real estate referred to in point (d) of the first subparagraph of this Article shall be certified by an independent qualified expert or duly authorised official body and shall not exceed the limit laid down in Article 58(1)(b).

2. Depreciation costs for which no payment supported by invoices has been made, may be considered as eligible where the following conditions are fulfilled:
 - (a) the eligibility rules of the programme allow for it;
 - (b) the amount of the expenditure is duly justified by supporting documents having equivalent probative value to invoices for eligible costs where those costs were reimbursed in the form referred to in Article 48(1)(a);
 - (c) the costs relate exclusively to the period of support for the operation;
 - (d) public grants have not contributed towards the acquisition of the depreciated assets.

Article 62

Specific eligibility rules for financial instruments

1. Eligible expenditure of a financial instrument shall be the total amount of programme contribution paid to, or, in the case of guarantees, set aside for guarantee contracts, by, the financial instrument within the eligibility period, where that amount corresponds to:
 - (a) payments to final recipients, in the case of loans, equity and quasi-equity investments;
 - (b) resources set aside for guarantee contracts, whether outstanding or having already come to maturity, in order to honour possible guarantee calls for losses, calculated based on a prudent ex ante risk assessment and in accordance with the multiplier ratio¹¹ established for the respective underlying disbursed new loans, equity or quasi-equity investments in final recipients;

¹¹ *Article 2(23) CPR is amended as follows: 'multiplier ratio' in the context of guarantee instruments, means a ratio, **established on the basis of a prudent ex ante risk assessment for the respective guarantee product to be offered,** between the value of the underlying disbursed new loans, equity or quasi-equity investments; and the amount of the programme contribution set aside ~~as agreed in~~ **for** guarantee contracts to cover expected and unexpected losses from those new loans, equity or quasi-equity investments;*

- (c) payments to, or for the benefit of, final recipients where financial instruments are combined with other Union contribution in a single financial instrument operation in accordance with Article 52(5);
 - (d) payments of management fees and reimbursements of management costs incurred by the bodies implementing the financial instrument.
- 1a. Where a financial instrument is implemented across consecutive programming periods, support may be provided to, or for the benefit of, final recipients, including management costs and fees, based on legal commitments made under the previous programming period, provided that such support complies with the eligibility rules of the subsequent programming period. In such cases, the eligibility of expenditure submitted in payment applications shall be determined in accordance with the rules of the respective programming period.
 2. For point (b) of paragraph 1, if the entity benefiting from the guarantees has not disbursed the planned amount of new loans, equity or quasi-equity investments to final recipients in accordance with the multiplier ratio, the eligible expenditure shall be reduced proportionally. The multiplier ratio may be reviewed, where justified by subsequent changes in market conditions. Such a review shall not have retroactive effect on the eligible expenditure corresponding to the amount of the underlying support which has been paid back.
 3. For point (d) of paragraph 1, where bodies implementing a holding fund and/or specific funds, are selected through a direct award of contract pursuant to Article 53(2a), the amount of management cost and fees shall be a flat rate of up to 10% of the total amount included in each payment application pursuant to Article 86(2)(a) and (b). The flat rate shall be up to 20% of the total amount related to equity or quasi-equity investments included in each payment application pursuant to Article 86(2)(b).

For point (d) of paragraph 1, bodies implementing a holding fund and/or specific funds are selected through a competitive tender in accordance with the applicable law, the amount of management costs and fees shall be established in the funding agreement reflecting the result of the competitive tender. Such management costs and fees shall consist of both a base and a performance-based remuneration.

4. Where arrangement fees, or any part thereof, are charged to final recipients, they shall not be declared as eligible expenditure.
5. The eligible expenditure declared in accordance with paragraph 1 shall not exceed the sum of the total amount of support from the Funds paid for the purposes of that paragraph and the corresponding national co-financing.

ANNEX VII

Template for the transmission of data – Article 37 and 68(1)(g)¹²

TABLE 1: Financial information at priority and programme level (Article 37(2)(a)) for ERDF, Cohesion Fund, ESF+ and EMFF

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.
The financial appropriation of the priority based on the programme							Cumulative data on the financial progress of the programme					
Priority	Specific objective	Fund	Category of region ¹³	Basis for the calculation of Union contribution * (Total contribution or public contribution)	Total financial appropriation (EUR)	Co-financing rate (%)	Total eligible cost of operations selected (EUR)	Contribution from the funds to operations selected (EUR)	Proportion of the total allocation covered with selected operations (%) [column 8/ column 6x 100]	Total eligible expenditure declared by beneficiaries	Proportion of the total allocation covered by eligible expenditure incurred by beneficiaries and paid in implementing operations (%) [column	Number of selected operations

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¹² Legend for the characteristics of fields:

type: N=Number, D=Date, S=String, C=Checkbox, P=Percentage, B=Boolean, Cu=Currency

input: M=Manual, S=Selection, G=Generated by system

¹³ It does not apply to the Cohesion Fund and EMFF

												<u>11/column</u> <u>6x100]</u>	
									<i>Calculation</i>			<i>Calculation</i>	
<type='S' input='G'>	<type='S' , input='G' >	<type='S' input='G'>	<type '=S' input ='G' >	<type='S' input='G'>	<type='N' input='G'>	<type='P' , input='G' >	<type='Cu' , input='M' >		<type='P' input=' G '>	<type='Cu' input='M'>	<type='P' input='G'>	<type='N' input='M'>	
Priority 1	SO 1	ERDF											
Priority 2	SO 2	ESF+											
Priority 3	SO 3	Cohesion Fund	NA										
<i>Total</i>		ERDF	Less devel oped		<type='N' input=' G '>		<type='Cu' ' input=' G '>		<type='P' input=' G '>	<type='Cu' input=' G '>	<type='P' input='G'>	<type='N' input=' G '>	
<i>Total</i>		ERDF	Trans ition		<type='N' input=' G '>		<type='Cu' ' input=' G '>		<type='P' input=' G '>	<type='Cu' input=' G '>	<type='P' input='G'>	<type='N' input=' G '>	
<i>Total</i>		ERDF	More devel oped		<type='N' input=' G '>		<type='Cu' ' input=' G '>		<type='P' input=' G '>	<type='Cu' input=' G '>	<type='P' input='G'>	<type='N' input=' G '>	
<i>Total</i>		ERDF	Speci al alloca tion		<type='N' input=' G '>		<type='Cu' ' input=' G '>		<type='P' input=' G '>	<type='Cu' input=' G '>	<type='P' input='G'>	<type='N' input=' G '>	

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<i>Total</i>	ESF	Less developed	<type='N' input=' G '>		<type='Cu' 'input=' G '>		<type='P' input=' G '>	<type='Cu' input=' G '>	<type='P' input='G'>	<type='N' input=' G '>	
<i>Total</i>	ESF	Transition	<type='N' input=' G '>		<type='Cu' 'input=' G '>		<type='P' input=' G '>	<type='Cu' input=' G '>	<type='P' input='G'>	<type='N' input=' G '>	
<i>Total</i>	ESF	More developed	<type='N' input=' G '>		<type='Cu' 'input=' G '>		<type='P' input=' G '>	<type='Cu' input=' G '>	<type='P' input='G'>	<type='N' input=' G '>	
<i>Total</i>	ESF	Special allocation to	<type='N' input=' G '>		<type='Cu' 'input=' G '>		<type='P' input=' G '>	<type='Cu' input=' G '>	<type='P' input='G'>	<type='N' input=' G '>	

			outer most regio ns									
<i>Total</i>		Cohesion Fund	NA		<type='N' input=' G '>		<type='Cu' 'input=' G '>		<type='P' input=' G '>	<type='Cu' input=' G '>	<type='P' input='G'>	<type='N' input=' G '>
<i>Grand Total</i>		All Funds			<type='N' input=' G '>		<type='N' input=' G '>		<type='P' input=' G '>	<type='N' input=' G '>	<type='P' input='G'>	<type='N' input=' G '>

TABLE 2: Breakdown of the cumulative financial data by type of intervention (Article 37(2)(a)) for ERDF, Cohesion Fund and ESF+

Priority	Specific objective	Characteristics of expenditure		Categorisation dimension							Financial data		
		Fund	Category of region ¹⁴	1 Intervention field	2 Form of finance	3 Territorial delivery dimension	4 Economic activity dimension	5 Location dimension	6 ESF+ secondary theme	7 Macro-regional and sea-basin dimension	Total eligible cost of operations selected (EUR)	Total amount of eligible expenditure incurred by beneficiaries and paid in implementing operations	Number of selected operations
<type='S'>input='S'>	<type='S'>input='S'>	<type='S'>input='S'>	<type='S'>input='S'>	<type='S'>input='S'>	<type='S'>input='S'>	<type='S'>input='S'>	<type='S'>input='S'>	<type='S'>input='S'>	<type='S'>input='S'>	<type='S'>input='S'>	<type='Cu'>input='M'>	<type='Cu'>input='M'>	<type='N'>input='M'>

¹⁴ It does not apply to the Cohesion Fund

TABLE 2A: Financial information and its breakdown by type of intervention for AMF, ISF and BMVI(Article 37(2)(a))

Fund	Type of action (Fund specific regulation, Art. 11 ISF/BMVI and Art. 12 AMF)	Specific objective (repeated for each specific objective)	Categorisation dimension						Financial data							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
			Co-financing rate (Annex VI)	Modality (Fund specific regulation: annex VI table 3)	Cooperation with/Actions in 3rd countries (Fund specific regulation: annex VI)	Implementation Schengen evaluation / vulnerability assessment recommendations (BMVI regulation: annex VI)	Intervention field (Fund specific regulation: annex VI table 1)	Type of action (Fund specific regulation: annex VI table 2)	Total financial appropriations (EUR) from the Fund and national co-financing	Total eligible cost of operations selected (EUR)	Contribution from the funds to operations selected (EUR)	Proportion of the total allocation covered by selected operations (%) [column 11/column 10 x 100]	Total amount of eligible expenditure incurred by beneficiaries and paid in implementing operations (EUR)	Proportion of the total allocation covered by eligible expenditure incurred by beneficiaries and paid in implementing operations (%) [column 14/column 10 x 100]	Number of selected operations	

<type='S' input='S'>	<type='S' input='S'>	<type='S' input='S'>	<type='S' input='S'>	<type='S' input='G'>	<type='S' input='S'>	<type='S' input='S'>	<type='S' input='S'>	<type='S' input='S'>	<type='N' input='G'>	<type='Cu' input='M'>	<type='P' input='G'>	<type='P' input='G'>	<type='Cu' input='M'>	<type='P' input='G'>	<type='Cu' input='M'>
	Subtotal by Specific Objective	SO1													

TABLE 3: Common and programme specific output indicators for ERDF, Cohesion Fund and EMFF (Article 37(2)(b))

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.
Data on output indicators from the operational programme [extracted from Table 2 of the operational programme]										Progress in output indicators to date			
Priority	Specific objective	Fund	Category of region ¹⁵	ID	Indicator name	Indicator breakdown ¹⁶ (of which:)	Measurement unit	Milestone (2024)	Target 2029	Forecast from selected operations to date [dd/mm/yy]	Achieved to date [dd/mm/yy]	Based on Commission guidelines (Yes/ No)	Comments
<type='S' input='G'> ¹⁷	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='N' input='G'>	<type='N' input='M'>	<type='N' input='M'>	<type='C' input='S'>	<type='S' input='M'>
...													

¹⁵ It does not apply to the Cohesion Fund and EMFF

¹⁶ It applies only to some indicators. See Commission guidelines for details.

¹⁷ Legend for the characteristics of fields:

type: N=Number, S=String, C=Checkbox

input: M=Manual, S=Selection, G=Generated by system

TABLE 3A: Common and programme specific output indicators for the ESF+ (Article 37(2)(b))

1.	2.	3.	4.	5.	6.	7.	8 ¹⁸ .	9.	10.	11.	12.
Data on all common output indicators as set out in Annexes I and II of the ESF+ Regulation and on programme specific indicators [extracted from Table 2 of the programme]									Progress in output indicators		
Priority	Specific objective	Fund	Category of region	ID	Indicator name	Measurement unit	Milestone (2024)	Target 2029 (gender breakdown optional)	Values achieved to date [dd/mm/yy]	Achievement ratio	Comments
<type='S' input='G'> ¹⁹	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='N' input='G'>	<type='N' input='M'>	<type='N' input='G'>	<type='S' input='M'>
								M F N T	M F N T	M F N T	
...											

¹⁸ Columns 8, 9 and 11 are not applicable to the indicators in Annex II of the ESF+ Regulation - Common indicators for ESF+ support for addressing material deprivation (Article 4(1)(xi) of the ESF+ Regulation).

¹⁹ Legend for the characteristics of fields:
 type: N=Number, S=String, C=Checkbox
 input: M=Manual, S=Selection, G=Generated by system

TABLE 3B: Common output indicators for AMF, ISF and BMVI(Article 37(2)(b))

1	2	3	4	5	6	7	8	9	10	11
Data on all common output indicators listed in annex VIII of AMF/ISF/BMVI regulation for each specific objective [extracted from Table 1 of the programme]								Progress in output indicators to date		
Fund	Specific objective	ID	Indicator name	Indicator breakdown (of which)	Measurement unit	Milestone (2024)	Target (2029)	Planned values in selected operations	Values achieved by operations	Comments
								[dd/mm/yy]	[dd/mm/yy]	
<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='N' input='G'>	<type='N' input='M'>	<type='N' input='M'>	<type='S' input='M'>

[TABLE 5: Multiple support to enterprises for ERDF and Cohesion Fund at programme level (Article 37(2)(b))

Table 5 is bracketed waiting for outcome of evaluation network

ID	Indicator name	Indicator breakdown (of which:)	Number enterprises net of multiple support by [dd/mm/yy]	Based on Commission guidelines (Yes/ No)	Comments
<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='N' input='M'>	<type='C' input='S'>	<type='S' input='M'>
RCO 01	Enterprises supported	Micro			
RCO 01	Enterprises supported	Small			
RCO 01	Enterprises supported	Medium			
RCO 01	Enterprises supported	Large			
RCO 01	Enterprises supported	Total	<type='N' input='G'>		

]

[TABLE 6: Common and programme specific result indicators for ERDF, Cohesion Fund and EMFF (Article 37(2)(b))

Table 6 is bracketed waiting for the outcome of evaluation network

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	15.	13.
Data on result indicators from the operational programme [extracted from Table 3 of the operational programme]										Progress in result indicators to date			
Priority	Specific objective	Fund	Category of region ²⁰	ID	Indicator name	Indicator breakdown ²¹ (of which:)	Measurement unit	Baseline in the programme	Target 2029	Value to date [dd/mm/yy]		Based on Commission guidelines (Yes/ No)	Comments
										Forecast from selected operations	Achieved		
<type='S', input='G', > ²²	<type='S', input='G', >	<type='S', input='G', >	<type='S', input='G', >	<type='S', input='G', >	<type='S', input='G', >	<type='S', input='G', >	<type='S', input='G', >	<type='N', input='G', >	<type='N', input='G', >	<type='N', input='M', >	<type='N', input='M', >	<type='C', input='S', >	<type='S', input='M', >
...													

]

²⁰ where applicable

²¹ It applies only to some indicators. See Commission guidelines for details.

²² Legend for the characteristics of fields:

type: N=Number, S=String, C=Checkbox

input: M=Manual, S=Selection, G=Generated by system

TABLE 6A: Common and programme specific result indicators for ESF+ (Article 37(2)(b))

1.	2.	3.	4.	5.	6.	7.	8.	9.	10 ²³	11.	12.	13.
Data on all common result indicators as set out in Annexes I and II of the ESF+ Regulation and on programme specific indicators [extracted from Table 3 of the programme]										Progress in result indicators		
Priority	Specific objective	Fund	Category of region	ID	Indicator name	Output indicator used as a basis for target setting	Measurement unit of indicator	Measurement unit of target	Target 2029 (gender break-down optional)	Values achieved to date [dd/mm/yy]	Achievement ratio	Comments
<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='N' input='G'>	<type='N' input='M'>	<type='N' input='G'>	<type='S' input='M'>
									M F N T	M F N T	M F N T	
...												

²³ Columns 10 and 12 are not applicable to the indicators in Annex II of the ESF+ Regulation - Common indicators for ESF+ support for addressing material deprivation (Article 4(1)(xi) of the ESF+ Regulation).

TABLE 6B: Common result indicators for AMF, ISF and BMVI(Article 37(2)(a))

1	2	3	4	5	6	7	8	9	10	11	12
Data on all common result indicators listed in annex VIII of AMF/ISF/BMVI regulation for each specific objective [extracted from Table 2 of the programme]									Progress in result indicators to date		
Fund	Specific objective	ID	Indicator name	Indicator breakdown (of which)	Measurement unit (for indicators and baseline)	Baseline	Target 2029	Measurement unit (for target)	Value to date [dd/mm/yy]		
									Planned values in selected operations	Values achieved by operations	Comments
									[dd/mm/yy]	[dd/mm/yy]	
<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='S' input='G'>	<type='N' input='G'>	<type='N' input='G'>	<type='N' input='G'>	<type='N' input='G'>	<type='S' input='G'>	<type='S' input='M'>

TABLE 7: Deleted

TABLE 8: Financial instruments data (Article 37(3)) for ERDF, Cohesion Fund, ESF+ and EMFF the Funds

Priority ²⁴	Characteristics of expenditure			Eligible expenditure by product				Amount of private and public resources mobilised in addition to the Funds				Amount of management costs and fees declared as eligible expenditure	Interest and other gains generated by support from the Funds to financial instruments referred to in Article 54	Resources returned attributable to support from the Funds as referred to in Article 56	Total value of loans, equity or quasi-equity investments in final recipients provided guaranteed with programme resources and actually disbursed to final recipients
	Fund	Specific objective	Category of region ^{25*}	Loans (form of finance code for FI)	Guarantee (form of finance code for FI)	Equity or quasi-equity (form of finance code for FI)	Ancillary support combined within FI (form of finance code for FI)	Loans (form of finance code for FI)	Guarantee (form of finance code for FI)	Equity or quasi-equity (form of finance code for FI)	Ancillary support combined within FI (form of finance code for FI)				
Input = selection	Input = selection	Input = selection	Input = selection	Input = manual	Input = manual	Input = manual	Input = manual	Input = manual	Input = manual	Input = manual	Input = manual	Input = manual	Input = manual	Input = manual	Input = manual

²⁴ Not applicable to AMIF, ISF and BMVI

²⁵ * where applicable

ANNEX VIII

Communication and visibility – Articles 42, 44 and 45

1. The use and technical characteristics of the Union emblem

- 1.1. The emblem of the European Union shall be prominently featured on all communication materials such as printed or digital products, websites and their mobile views relating to the implementation of an operation, used for the public or for participants.
- 1.2. The statement "Funded by the EUROPEAN UNION" or "Co-funded by the EUROPEAN UNION" shall be spelled out in full and placed next to the emblem.
- 1.3. *Deleted.*
- 1.4. The positioning of the text in relation to the Union emblem shall not interfere with the Union emblem in any way.
- 1.5. The font size used shall be proportionate to the size of the emblem.
- 1.6. The colour of the font shall be reflex blue, black or white depending on the background.
- 1.7. The European Union emblem shall not be modified or merged with any other graphic elements or texts. If other logos are displayed in addition to the Union emblem, the Union emblem shall have at least the same size, measured in height or width, as the biggest of the other logos.
- 1.8. Where several operations are taking place at the same location, supported by the same or different funding instruments, or where further funding is provided for the same operation at a later date, at least one plaque or billboard shall be displayed.
- 1.9. Graphic standards for the Union emblem and the definition of standard colours:

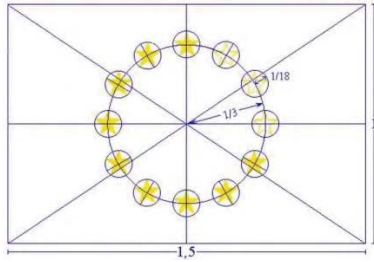
A) SYMBOLIC DESCRIPTION

Against a background of blue sky, twelve golden stars form a circle representing the union of the peoples of Europe. The number of stars is fixed, twelve being the symbol of perfection and unity.

B) HERALDIC DESCRIPTION

On an azure field a circle of twelve golden mullets, their points not touching.

C) GEOMETRIC DESCRIPTION



The emblem has the form of a blue rectangular flag of which the fly is one and a half times the length of the hoist. Twelve gold stars situated at equal intervals form an invisible circle whose centre is the point of intersection of the diagonals of the rectangle. The radius of the circle is equal to one third of the height of the hoist. Each of the stars has five points which are situated on the circumference of an invisible circle whose radius is equal to one eighteenth of the height of the hoist. All the stars are upright, i.e. with one point vertical and two points in a straight line at right angles to the mast. The circle is arranged so that the stars appear in the position of the hours on the face of a clock. Their number is invariable.

D) REGULATION COLOURS

The emblem is in the following colours: PANTONE REFLEX BLUE for the surface of the rectangle; PANTONE YELLOW for the stars

E) FOUR-COLOUR PROCESS

If the four-colour process is used, recreate the two standard colours by using the four colours of the four-colour process.

PANTONE YELLOW is obtained by using 100 % 'Process Yellow'.

PANTONE REFLEX BLUE is obtained by mixing 100 % 'Process Cyan' and 80 % 'Process Magenta'.

INTERNET

PANTONE REFLEX BLUE corresponds in the web-palette colour RGB:0/51/153 (hexadecimal: 003399) and

PANTONE YELLOW corresponds in the web-palette colour RGB: 255/204/0 (hexadecimal: FFCC00).

MONOCHROME REPRODUCTION PROCESS

Using black, outline the rectangle in black and print the stars in black on white.



Using blue (Reflex Blue), use 100 % with the stars reproduced in negative white.



REPRODUCTION ON A COLOURED BACKGROUND

If there is no alternative to a coloured background, put a white border around the rectangle, the width of the border being 1/25th of the height of the rectangle.



The principles of the use of the Union emblem by third parties are set out in an administrative agreement with the Council of Europe²⁶

2. The licence on intellectual property rights referred to in Article 44(8~~6~~) grant to the EU the following rights:

- 2.1. internal use i.e. right to reproduce, copy and make available the communication and visibility materials to EU and EU Member States' institutions and agencies and their employees;
- 2.2. reproduction of the communication and visibility materials by any means and in any form, in whole or in part;
- 2.3. communication to the public of the communication and visibility materials by using any and all means of communication;
- 2.4. distribution to the public of the communication and visibility materials (or copies thereof) in any and all forms;
- 2.5. storage and archiving of the communication and visibility materials
- 2.6. sub-licensing of the rights on the communication and visibility materials to third parties
- 2.7. Additional rights may be granted to the EU.

²⁶ OJ 2012/C 271/04 of 8/9/2012

ANNEX IX

Elements for funding agreements and strategy documents – Article 53

1. Elements of the funding agreement for financial instruments implemented under Article 53(3)

(a) the investment strategy or policy including implementation arrangements, financial products to be offered, final recipients targeted, and envisaged combination with grant support (as appropriate);
(b) a business plan or equivalent documents for the financial instrument to be implemented, including the expected leverage effect referred to in point (a) of Article 52(3);
(c) the target results that the financial instrument concerned is expected to achieve to contribute to the specific objectives and results of the relevant priority;
(d) provisions for monitoring of the implementation of investments and of deal flows including reporting by the financial instrument to the holding fund and to the managing authority to ensure compliance with Article 37;
(e) audit requirements, such as minimum requirements for documentation to be kept at the level of the financial instrument (and at the level of the holding fund where appropriate), and requirements in relation to the maintenance of separate records for the different forms of support in compliance with Article 52 (where applicable), including provisions and requirements regarding access to documents by audit authorities of Member States, Commission auditors and the Court of Auditors in order to ensure a clear audit trail, in accordance with Article 76;
(f) requirements and procedures for managing the contribution provided by the programme in accordance with Article 86 and for the forecast of deal flows, including requirements for fiduciary/separate accounting as set out in Article 53;
(g) requirements and procedures for managing interest and other gains generated as referred to in Article 54, including acceptable treasury operations/investments, and the responsibilities and liabilities of the parties concerned;
(h) provisions regarding the calculation and payment of management costs incurred or of the management fees of the financial instrument in compliance with Article 62;
(i) provisions regarding the re-use of resources attributable to the support from the Funds in compliance with Article 56 and an exit policy for the contribution from the Funds out of the financial instrument;
(j) conditions for a possible total or partial withdrawal of programme contributions from programmes to financial instruments, including the fund of funds where applicable;
(k) provisions to ensure that bodies implementing financial instruments manage financial instruments with independence and in accordance with the relevant professional standards, and act in the exclusive interest of the parties providing contributions to the financial instrument;
(l) provisions for the winding-up of the financial instrument.
(m) other terms and conditions for making contributions from the programme to the financial instrument

(n) appraisal and selection of bodies implementing the financial instruments, including calls for expression of interest or public procurement procedures (only where financial instruments are organised through a holding fund)

2. Elements of the strategy document(s) referred to in Article 53 (1)

(a) the investment strategy or policy of the financial instrument, general terms and conditions of envisaged debt products, target recipients and actions to be supported;

(b) a business plan or equivalent documents for the financial instrument to be implemented, including the expected leverage effect referred to in Article 52;

(c) the use and re-use of resources attributable to the support of the Funds in accordance with Articles 54 and 56

(d) monitoring and reporting of the implementation of the financial instrument to ensure compliance with Article 37.