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#### 'I/A' ITEM NOTE

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From: General Secretariat of the Council  
To: Permanent Representatives Committee (Part 2)/Council

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Subject: Draft Council conclusions on Special Report No 27/2022 entitled "EU support to cross-border cooperation with neighbouring countries - Valuable support, but implementation started very late and problems with coordination need to be addressed"  
- Approval

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1. On 12 December 2022, the General Secretariat of the Council received the Special Report No 27/2022 "EU support to cross-border cooperation with neighbouring countries - Valuable support, but implementation started very late and problems with coordination need to be addressed".
2. Pursuant to the rules laid down in the Council conclusions on improving the examination of special reports drawn up by the Court of Auditors<sup>1</sup>, the Permanent Representatives Committee, at its meeting on 20 December 2022, instructed the Working Party on Structural Measures and Outermost Regions to examine this report according to the rules laid down in the above-mentioned conclusions.

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<sup>1</sup> Doc. 7515/00 FIN 127 + COR 1.

3. The Court of Auditors presented the report at the meeting of the Working Party on Structural Measures and Outermost Regions of 16 January 2023. Draft Presidency conclusions were examined at the meetings of the Working Party on Structural Measures and Outermost Regions of 24 January<sup>2</sup> and 13 February 2023<sup>3</sup>. Delegations agreed to the draft Council conclusions as set out in the Annex<sup>4</sup> to this note.
  
  4. The Permanent Representatives Committee is therefore invited to recommend to the Council to approve, as an "A" item at a forthcoming meeting, these Council conclusions as set out in the Annex to this note.
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<sup>2</sup> WK 577/2023 INIT.  
<sup>3</sup> WK 577/2023 REV 1.  
<sup>4</sup> WK 577/2023 REV 2.

**DRAFT COUNCIL CONCLUSIONS**

**on Special Report No 27/2022 “EU support to cross-border cooperation with neighbouring countries – Valuable support, but implementation started very late and problems with coordination need to be addressed”**

THE COUNCIL OF THE EUROPEAN UNION:

- (1) WELCOMES the Special Report No 27/2022 by the European Court of Auditors (hereafter referred to as “the Court”) and the replies of the European Commission (hereafter referred to as “the Commission”) and the European External Action Service (EEAS) to the Report;
- (2) REAFFIRMS that cross-border cooperation is a key element of the European neighbourhood policy, supporting neighbouring countries at the external borders of the European Union and ACKNOWLEDGES its importance for enhancing good neighbourhood relations, while noting particularities, geographic specificities and different degrees of political and institutional development of the neighbouring countries;
- (3) NOTES that the Court’s audit assessed whether EU support in the 2014-2020 cross-border cooperation (CBC) programmes financed through the European Neighbourhood Instrument (ENI) have been effective in enhancing territorial cooperation across the EU’s external borders. Out of 15 programmes, the Court assessed the three largest programmes in the north, east, and south regions and focused on whether:
  - The programmes targeted clearly identified needs and priorities common to the border regions and complemented other programmes financed by the EU;
  - The projects were selected and implemented efficiently and effectively;
  - The Commission and managing authorities, with a view to strengthening the management of the 2021-2027 programmes, made effective use of monitoring and evaluation mechanisms, as well as lessons learned;

- (4) ACKNOWLEDGES that the results and recommendations of this audit intend to inform the set-up and implementation of the Interreg NEXT programmes proposed for the 2021-2027 funding period;
- (5) ENCOURAGES exchanges of best practice and making full use of relevant technical assistance sources, including the Technical Assistance and Information Exchange (TAIEX);
- (6) TAKES NOTE of the findings of the Report, in particular that:
- The 2014-2020 EU-funded cross-border programmes with neighbouring countries have provided relevant and valuable support to the regions on both sides of the EU's external borders, ensuring geographical balance of project beneficiaries;
  - The programmes assessed had identified priorities and selected thematic objectives that were aligned with the needs of the border regions involved and projects were selected and implemented efficiently, effectively and in a transparent way;
  - The involvement of partners and stakeholders in the development and implementation of the ENI CBC programmes was wide;
  - Operational coordination with other EU-funded programmes as well as policies, initiatives and macro-regional strategies can be improved;
  - The framework for monitoring after project closure needs to be more result-oriented and to capture sustainability of results;
  - The 2021-2027 legislative framework is building on lessons learned from past programming periods;

(7) SHARES the Commission's opinion in its replies to the findings and recommendations included in the Court's Report, in particular that:

- ENI CBC programmes have enabled cooperation that would have otherwise not taken place or would have faced difficulties for political reasons;
- The integration of ENI CBC into overall Interreg framework within cohesion policy in the 2021-2027 period and the corresponding legislative framework are facing some of the shortcomings identified by ECA, such as late start of programmes, weaknesses in monitoring or insufficient access to anti-fraud reporting tools in non-EU countries;
- The simplified procedure for the large infrastructure projects is to be considered positively;
- Interreg provides a unique occasion for Ukraine and the Republic of Moldova, which have been granted the EU candidate status, to be directly part of shared management programmes;
- All EU cooperation activities with Russia and Belarus, including preparation of the 2021-2027 cooperation programmes, are suspended;

(8) HIGHLIGHTS that Member States and their regions bordering Russia and Belarus, as well as those bordering Ukraine and the Republic of Moldova, due to Russia's ongoing war of aggression against Ukraine, are facing a specific set of economic and social challenges, and CONSIDERS that these challenges should be further looked into in order to be appropriately addressed;

(9) TAKES NOTE of the recommendations of the Court and INVITES the Commission to:

- Enhance the involvement of EEAS and EU Delegations in the work of programming and monitoring committees for Interreg NEXT;
  - Allow anti-fraud bodies in non-EU countries to report potential irregularities directly via the Irregularity Management System;
  - Provide guidance on monitoring the sustainability of projects after their closure.
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