



Council of the European Union  
General Secretariat

Brussels, 22 April 2020

CM 2041/20

CODEC  
FSTR  
REGIO  
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PROCED

## COMMUNICATION

### WRITTEN PROCEDURE

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Subject: Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EU) No 1301/2013 and (EU) No 1303/2013 as regards specific measures to provide exceptional flexibility for the use of the European Structural and Investments Funds in response to the COVID-19 outbreak [2020/0054(COD)]  
Outcome of the written procedure initiated by CM 2037/20:  
– Adoption of the legislative act  
– Derogation from the 8-week period provided for in Article 4 of Protocol 1 on the role of national Parliaments in the EU

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Delegations are informed that the written procedure, opened by CM 2037/20 of 20 April 2020, was completed on 22 April 2020 at 10:00, and that all delegations voted in favour of:

1. the adoption of the draft Regulation of the European Parliament and of the Council amending Regulations (EU) No 1301/2013 and (EU) No 1303/2013 as regards specific measures to provide exceptional flexibility for the use of the European Structural and Investments Funds in response to the COVID-19 outbreak, as set out in PE-CONS 7/20;

2. the derogation, on the basis of the second subparagraph of Article 3(3) of the Council's Rules of Procedure, from the eight-week period referred to in the first subparagraph of that Article.

The required qualified majority has been reached. Therefore, the above Regulation is adopted.

The Council agreed to derogate, on the basis of the second subparagraph of Article 3(3) of the Council's Rules of Procedure, from the eight-week period referred to in the first subparagraph of that Article.

The statements by Greece, Spain and Latvia are reproduced in the Annex to this CM.

The above statements will be included in the summary of acts adopted by the written procedure as statements to be entered in the Council minutes, in accordance with the third subparagraph of Article 12(1) of the Council's Rules of Procedure.

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**Statement by Greece**

We need to emphasize that it is of outmost importance to extend the reallocation of available resources (between Funds and between categories of regions) for the years before 2020 (i.e. 2017-2019), as this additional flexibility for the 2017-2019 annual commitments will allow Greece to respond more efficiently to this unprecedented in scale crisis. Moreover it is important to allow support irrespective of the size of the enterprise especially for the use of financial instruments.

**Statement by Spain**

Spain appreciates the flexibility provided by the CRII + and asks the Commission to continue adapting the European structural and investment fund regulations to grant legal certainty to national and regional authorities. Elements such as flexibility in the use of the 2017, 2018 and 2019 annual commitments and in the deadlines for carrying out controls and audits and greater legal certainty in the definition of “force majeure” should be taken into account in the next modification.

**Statement by Latvia**

We note that the 1/3 share of the Cohesion Fund for Member States that joined on or after 2004 will not have to be respected in accordance with the second paragraph of new Article 25a, and allocations may be transferred between the ERDF, the ESF and the Cohesion Fund. Point 6 of Annex VII of the Common Provisions Regulation is not relevant in this respect. Flexibility of transfers between funds is important to counter the immediate health crisis and to ensure an effective investment mix that supports a quick economic recovery.

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