



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on Regional Development*

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**2009/0107(COD)**

26.2.2010

# **AMENDMENTS**

## **20 - 27**

**Draft report**  
**Evgeni Kirilov**  
(PE438.425v01-00)

on the proposal for a regulation of the European Parliament and of the Council amending regulation (EC) No 1083/2006 concerning general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund as regards simplification of certain requirements and as regards provisions relating to financial management

Proposal for a regulation – amending act  
(COM(2009)0384 – C7-0003/2010 – 2009/0107(COD))

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PE439.242v01-00

**EN**

*United in diversity*

**EN**



**Amendment 20**  
**Elisabeth Schroedter**

**Proposal for a regulation – amending act**  
**Recital 12 a (new)**

*Text proposed by the Commission*

*Amendment*

*(12a) Due to exceptional circumstances and given the serious and unprecedented impact of the current economic and financial crisis on the budgets of Member States, an additional pre-financing instalment for 2010 is needed for the Member States worst hit by the crisis in order to allow for regular cash flow and to facilitate payments to beneficiaries during programme implementation. Member States should provide timely publication of online information on major projects and projects between EUR 25 and 50 million as soon as possible after the Commission receives an application for funding from a Member State and before any Commission decision on their financing, including direct access to project documentation, such as the application, the feasibility study, the cost-benefit analysis, and the environmental impact assessment. The purpose of such a Commission webpage is to facilitate the submission of comments regarding such projects.*

Or. en

**Amendment 21**  
**Elisabeth Schroedter**

**Proposal for a regulation – amending act**  
**Article 1 – point 1**  
Regulation (EC) No 1083/2006  
Article 39

*Text proposed by the Commission*

As part of an operational programme or operational programmes, the ERDF and the Cohesion Fund may finance expenditure comprising a series of works, activities or services intended in itself to accomplish an indivisible task of a precise economic or technical nature, which has clearly identified goals and whose total cost exceeds EUR 50 million (hereinafter “major projects”).”

*Amendment*

As part of an operational programme or operational programmes, the ERDF and the Cohesion Fund may finance expenditure comprising a series of works, activities or services intended in itself to accomplish an indivisible task of a precise economic or technical nature, which has clearly identified goals and whose total cost exceeds **EUR 25 million in the case of environmental projects or EUR 50 million in the case of other projects** hereinafter “major projects”).”

Or. de

**Amendment 22**

**Elisabeth Schroedter**

**Proposal for a regulation – amending act**

**Article 1 – point 2 – point a**

Regulation (EC) No 1083/2006

Article 40 – introductory part

*Text proposed by the Commission*

“The Member State or the managing authorities shall provide the Commission with the following information on major projects:”

*Amendment*

“The Member State or the managing authorities shall provide the Commission with the following information on major projects **and projects between EUR 25 million and EUR 50 million:**”

Or. de

**Amendment 23**

**Elisabeth Schroedter**

**Proposal for a regulation – amending act**

**Article 1 – point 4 – point a**

Regulation (EC) No 1083/2006

Article 44 – paragraph 1 – point a

*Text proposed by the Commission*

a) financial engineering instruments for enterprises, primarily small and medium sized ones, such as venture capital funds, guarantee funds and loan funds;

*Amendment*

a) financial engineering instruments for enterprises, primarily small and medium sized ones, such as venture capital funds, guarantee funds, **micro-lending** and loan funds;

Or. de

**Amendment 24**  
**Elisabeth Schroedter**

**Proposal for a regulation – amending act**

**Article 1 – point 5**

Regulation (EC) No 1083/2006

Article 48 – paragraph 3

*Text proposed by the Commission*

“3. During the programming period, Member States shall carry out evaluations linked to the monitoring of operational programmes in particular where that monitoring reveals a significant departure from the goals initially set. Where proposals are made for the revision of operational programmes, as referred to in Article 33, analysis shall be provided on the reasons for the revision, including any implementation difficulties, and the expected impact of the revision, including **that** on the strategy of the operational programme. The results of evaluations or analyses shall be sent to the monitoring committee for the operational programme and to the Commission.”

*Amendment*

“3. During the programming period, Member States shall carry out evaluations linked to the monitoring of operational programmes in particular where that monitoring reveals a significant departure from the goals initially set. Where proposals are made for the revision of operational programmes, as referred to in Article 33, analysis shall be provided on the reasons for the revision, including any implementation difficulties, and the expected impact of the revision, including on the strategy of the operational programme **and on the EU’s climate targets**. The results of evaluations or analyses shall be sent to the monitoring committee for the operational programme and to the Commission.”

Or. de

**Amendment 25**  
**Elisabeth Schroedter**

**Proposal for a regulation – amending act**

**Article 1 – point 8 – point a**

Regulation (EC) No 1083/2006

Article 57 – paragraph 1

*Text proposed by the Commission*

“1. The Member State or managing authority shall ensure that an operation comprising investment in infrastructure or productive investment retains the contribution from the Funds only if it does not, within **five** years from its completion, undergo a substantial modification which is caused by a change in the nature of ownership of an item of infrastructure or the cessation of a productive activity and which affects the nature or the implementation conditions of the operation or gives to a firm or a public body an undue advantage.

Operations receiving contribution from the ESF shall be considered as not having retained the contribution only where they are subject to an obligation for maintenance of investment under the rules on state aid within the meaning of Article 87 of the Treaty and where they undergo a substantial modification caused by the cessation of productive activity within the period laid down in those rules.

Member States may reduce the time limits set out in the first subparagraph to **three** years in case of the maintenance of an investment or jobs created by SMEs.”

*Amendment*

“1. The Member State or managing authority shall ensure that an operation comprising investment in infrastructure or productive investment retains the contribution from the Funds only if it does not, within **10** years from its completion, undergo a substantial modification which is caused by a change in the nature of ownership of an item of infrastructure or the cessation of a productive activity and which affects the nature or the implementation conditions of the operation or gives to a firm or a public body an undue advantage.

Operations receiving contribution from the ESF shall be considered as not having retained the contribution only where they are subject to an obligation for maintenance of investment under the rules on state aid within the meaning of Article 87 of the Treaty and where they undergo a substantial modification caused by the cessation of productive activity within the period laid down in those rules.

Member States may reduce the time limits set out in the first subparagraph to **five** years in case of the maintenance of an investment or jobs created by SMEs.”

Or. de

**Amendment 26**  
**Franz Obermayr**

**Proposal for a regulation – amending act**  
**Article 1– point 8 – point a**  
Regulation (EC) No 1083/2006  
Article 57 – paragraph 1 – subparagraph 3

*Text proposed by the Commission*

Member States may reduce the time limits set out in the first subparagraph to three years in case of the maintenance of an investment *or jobs created by SMEs.*”

*Amendment*

Member States may reduce the time limits set out in the first subparagraph to three years in case of the maintenance of an investment *in SMEs, especially where job creation is involved.*”

Or. de

**Amendment 27**  
**Franz Obermayr**

**Proposal for a regulation – amending act**  
**Article 1 - point 12**  
Regulation (EC) No 1083/2006  
Article 88 – paragraph 3

*Text proposed by the Commission*

“However, in cases where *the* irregularities in operations which have been subject to a declaration of partial closure *are detected by controls carried out by the Member State*, Article 98(2) and (3) shall apply. The statement of expenditure referred to in point (a) of paragraph 2 of this Article shall be adjusted accordingly.”

*Amendment*

“However, in cases where *the Member State has detected and rectified* irregularities in operations which have been subject to a declaration of partial closure, Article 98(2) and (3) shall apply. The statement of expenditure referred to in point (a) of paragraph 2 of this Article shall be adjusted accordingly.”

Or. de