



EUROPEAN PARLIAMENT

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Committee on Employment and Social Affairs

2011/0276(COD)

02.04.2012

DRAFT OPINION

of the Committee on Employment and Social Affairs

for the Committee on Regional Development

on the proposal for a regulation of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund covered by the Common Strategic Framework and laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1083/2006 (COM(2011)0615 – C7-0335/2011 – 2011/0276(COD))

Rapporteur: *Ádám Kósa*

PA_Legam

SHORT JUSTIFICATION

The new proposal by the Commission comprises many new elements which have given rise to serious disagreements within both the Council and the European Parliament, in the latter case not only between political groups but also between Members with similar political affiliations. What is at stake is far from negligible: nothing less than the cohesion of the ever growing community, the easing – on the basis of common solidarity – of tensions arising from the mutual interdependence among the various Member States, regions and peoples. Such solidarity is inconceivable – particularly on the basis of employment and social considerations – unless equal opportunities are ensured; hence it is necessary to tackle inequalities caused by historical, economic and social differences as equitably and lastingly as possible, this being the pre-eminent objective in a new century in which Europe has grown into an economic giant while a fine-meshed and harmonious tissue of solidarity is still lacking.

Meanwhile, despite Europe's conspicuous past successes and achievements in the field of integration, it is currently contending with many types of crisis. It faces simultaneous challenges of an institutional, financial and economic, social and demographic nature, as well as in the fields of energy policy and transport and logistics. At the same time, these may also be seen as presenting opportunities, provided that they are based on appropriate changes, i.e. changes which are based on a sustainable balance and are continuous and predictable. Any more radical change therefore needs to be approached with caution and circumspection, particularly as regards a functioning system of implementing institutions.

The present legislative proposal is based on a way of thinking dating back more than half a century, which stresses peace and development and is based on the solidarity generated in the early days among the founding Member States and nurtured not only by social solidarity but also, increasingly, by the concept of cohesion. This led to the mentality which in recent decades has become the most important and at the same time the most attractive reason for enlargements, as far as the newer Member States are concerned, in an ever growing Union. This is true in that, to this day, the strength of the common market and common action has lain in a system which guaranteed a certain degree of detailed redistribution on the basis of solidarity.

Everyone should enjoy equal opportunities to benefit from European solidarity, with due regard for the characteristics of the Member States and the size of their populations, and in particular in such a way that the legislative instrument to be adopted should at the same time not be unacceptably detrimental to individual Member States. This is no small task. However, it should not mean any dispensation from the desideratum of increasing discipline in the management of common funds – on the contrary, indeed: the European tax-payers' money must not fall victim to thoughtlessness and irresponsibility.

At the same time, strictness must not be an end in itself or impose ever more impracticable administrative requirements on the Member States responsible for implementation, while entitlements are reduced. Both powers and obligations (responsibility) must be proportionate to entitlements and expectations, as must their division among institutions. The rapporteur strongly believes that growing powers should not be accompanied by relative reductions in the responsibility of the Commission. Reductions in the burdens borne by national administrative or regional or local implementing agencies or by the Member States should

only be altered proportionately and to a justifiable extent, on the basis of appropriate calculations and factual arguments.

The purpose of the legislative instrument should be nothing other than to ensure that every cent earmarked for solidarity and cohesion among Europe's citizens reaches its intended destination, not that ultimately, with the passing of large-scale enlargements and with the increasing establishment of the common and more integrated market, less funding reaches the places where it is needed.

AMENDMENTS

The Committee on Employment and Social Affairs calls on the Committee on Regional Development, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1 **Proposal for a regulation** **Recital 9**

Text proposed by the Commission

(9) For the Partnership Contract and each programme respectively, a Member State should organise a partnership with the representatives of competent regional, local, urban and other public authorities, economic and social partners, and bodies representing civil society, including environmental partners, non-governmental organisations, and bodies responsible for promoting equality and non-discrimination. The purpose of such a partnership is to respect the principle of multi-level governance, ensure the ownership of planned interventions by stakeholders and build on the experience and know-how of relevant actors. ***The Commission should be empowered to adopt delegated acts providing for a code of conduct in order to*** ensure that partners are involved in the preparation, implementation, monitoring and evaluation of Partnership Contracts and programmes in a consistent manner.

Amendment

(9) For the Partnership Contract and each programme respectively, a Member State should organise a partnership with the representatives of competent regional, local, urban and other public authorities, economic and social partners, and bodies representing civil society, including environmental partners, non-governmental organisations, and bodies responsible for promoting equality and non-discrimination, ***based on its National Reform Programme.*** The purpose of such a partnership is to respect the principle of multi-level governance, ensure the ownership of planned interventions by stakeholders and build on the experience and know-how of relevant actors. ***Member States*** should ensure that partners are involved in the preparation, implementation, monitoring and evaluation of Partnership Contracts and programmes in a consistent manner.

Justification

In the absence of a concrete proposal for a code of conduct, the reasons for introducing such an instrument, its purpose and nature are unclear.

Amendment 2
Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) In the context of its effort to increase economic, territorial and social cohesion, the Union should, at all stages of implementation of the CSF Funds, aim at eliminating inequalities and promoting equality between men and women, **as well as** combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Amendment

(11) In the context of its effort to increase economic, territorial and social cohesion, the Union should, at all stages of implementation of the CSF Funds, aim at eliminating inequalities and promoting equality between men and women, combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, **as well as ensuring accessibility for persons with disabilities.**

Amendment 3
Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) **The Commission should adopt by delegated act a** Common Strategic Framework which translates the objectives of the Union into key actions for the CSF Funds, in order to provide clearer strategic direction to the programming process at the level of Member States and regions. The Common Strategic Framework should facilitate sectoral and territorial coordination of Union intervention under the CSF Funds and with other relevant

Amendment

(14) **A** Common Strategic Framework which translates the objectives of the Union into key actions **as recommendations** for the CSF Funds **should be adopted** in order to provide clearer strategic direction to the programming process at the level of Member States and regions. The Common Strategic Framework should facilitate sectoral and territorial coordination of Union intervention under the CSF Funds and with other relevant Union policies and

Union policies and instruments.

instruments.

Or. en

Justification

The provisions proposed to be included in the CSF should be adopted by the European Parliament and the Council in an ordinary legislative procedure.

Amendment 4 **Proposal for a regulation** **Recital 16**

Text proposed by the Commission

(16) On the basis of the Common Strategic Framework ***adopted by the Commission***, each Member State should prepare, in cooperation with its partners and in dialogue with the Commission, a Partnership Contract. The Partnership Contract should translate the elements set out in the Common Strategic Framework into the national context and set out firm commitments to the achievement of Union objectives through the programming of the CSF Funds.

Amendment

(16) On the basis of the Common Strategic Framework, each Member State should prepare, in cooperation with its partners and in dialogue with the Commission, a Partnership Contract ***based on its National Reform Programme***. The Partnership Contract should translate the elements set out in the Common Strategic Framework into the national context and set out firm commitments to the achievement of Union objectives through the programming of the CSF Funds.

Or. en

Amendment 5 **Proposal for a regulation** **Recital 17**

Text proposed by the Commission

(17) Member States should concentrate support to ensure a significant contribution to the achievement of Union objectives in line with their specific national and regional development needs. Ex ante conditionalities should be defined to ensure that the necessary framework conditions for the effective use of Union support are

Amendment

(17) Member States should concentrate support to ensure a significant contribution to the achievement of Union objectives in line with their specific national and regional development needs. Ex ante conditionalities ***and criteria for their fulfilment*** should be defined to ensure that the necessary framework conditions for the

in place. The fulfilment of those ex ante conditionalities should be assessed by the Commission in the framework of its assessment of the Partnership Contract and programmes. In cases where there is a failure to fulfil an ex ante conditionality, the Commission should have the power to suspend payments to the programme.

effective use of Union support are in place. ***Such ex ante conditionalities should be relevant to the effectiveness of the contribution of the Funds in the applicable cases of investment.*** The fulfilment of those ex ante conditionalities should be assessed by the Commission in the framework of its assessment of the Partnership Contract and programmes, ***taking due account of the previous experience and the situation in the Member State concerned.*** In cases where there is a failure to fulfil an ex ante conditionality, the Commission should have the power to suspend payments to the programme.

Or. en

Amendment 6
Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) A performance framework should be defined for each programme with a view to monitoring progress towards the objectives and targets set for each programme over the course of the programming period. The Commission should undertake a performance review in cooperation with the Member States in **2017** and **2019**. A performance reserve should be foreseen and allocated in **2019** where milestones set in the performance framework have been attained. Due to their diversity and multi-country character, there should be no performance reserve for ‘European Territorial Cooperation’ programmes. In cases where the shortfall in the achievement of milestones or targets is significant, the Commission should be able to suspend payments to the programme or, at the end of the programming period, apply financial corrections, in order to

Amendment

(18) A performance framework should be defined for each programme with a view to monitoring progress towards the objectives and targets set for each programme over the course of the programming period. The ***performance framework should include ambitious but realistic targets and milestones and should take due account of the particular circumstances and the nature of the interventions foreseen by the Member State.*** The Commission should undertake a performance review in cooperation with the Member States ***twice during the programme period, in the years to be mutually agreed by the Member State and the Commission.*** A performance reserve should be foreseen and allocated in ***the year of the mutually agreed by Member State and the Commission*** where milestones set in the performance framework have been attained. Due to their

ensure that the Union budget is not used in a wasteful or inefficient way.

diversity and multi-country character, there should be no performance reserve for 'European Territorial Cooperation' programmes. In cases where the shortfall in the achievement of milestones or targets is significant, the Commission should be able to suspend payments to the programme or, at the end of the programming period, apply financial corrections, in order to ensure that the Union budget is not used in a wasteful or inefficient way. ***The Commission should take account of any changes in economic and social circumstances that might affect the achievement of milestones or targets.***

Or. en

Amendment 7
Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) Establishing a closer link between cohesion policy and the economic governance of the Union will ensure that the effectiveness of expenditure under the CSF Funds is underpinned by sound economic policies and that the CSF Funds can, if necessary, be redirected to addressing the economic problems a country is facing. ***This process has to be gradual, starting with amendments to the Partnership Contract and to the programmes in support of Council recommendations to address macroeconomic imbalances and social and economic difficulties. Where, despite the enhanced use of CSF Funds, a Member State fails to take effective action in the context of the economic governance process, the Commission should have the right to suspend all or part of the payments and commitments. Decisions on suspensions should be proportionate and***

Amendment

(19) Establishing a closer link between cohesion policy and the economic governance of the Union will ensure that the effectiveness of expenditure under the CSF Funds is underpinned by sound economic policies and that the CSF Funds can, if necessary, be redirected to addressing the economic problems a country is facing taking into account ***its National Reform Programme.***

effective, taking into account the impact of the individual programmes for addressing the economic and social situation in the relevant Member State and previous amendments to the Partnership Contract. When deciding on suspensions, the Commission should also respect equality of treatment between Member States, taking into account in particular the impact of the suspension on the economy of the Member State concerned. The suspensions should be lifted and funds be made available again to the Member State concerned as soon as the Member State takes the necessary action.

Or. en

Amendment 8
Proposal for a regulation
Recital 58

Text proposed by the Commission

(58) In order to strengthen the focus on results and achievement of the Europe 2020 objectives and targets, *five* per cent of the resources for the 'Investment for growth and jobs' goal should be set aside as a performance reserve for each Fund, and category of region in each Member State.

Amendment

(58) In order to strengthen the focus on results and achievement of the Europe 2020 objectives and targets, *0.1* per cent of the resources for the 'Investment for growth and jobs' goal should be set aside as a performance reserve for each Fund, and category of region in each Member State.

Or. en

Amendment 9
Proposal for a regulation
Recital 59

Text proposed by the Commission

(59) As regards the Funds and with a view to ensuring an appropriate allocation to each category of regions, resources should

Amendment

(59) As regards the Funds and with a view to ensuring an appropriate allocation to each category of regions, resources should

not be transferred between less developed, transition and more developed regions except in duly justified circumstances linked to the delivery of one or more thematic objectives and for no more than **2** % of the total appropriation for that category of region.

not be transferred between less developed, transition and more developed regions except in duly justified circumstances linked to the delivery of one or more thematic objectives and for no more than **6** % of the total appropriation for that category of region.

Or. en

Amendment 10
Proposal for a regulation
Recital 88

Text proposed by the Commission

(88) In order to supplement and amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of ***a code of conduct on the objectives and criteria to support the implementation of partnership, the adoption of a Common Strategic Framework***, additional rules on the allocation of the performance reserve, the definition of the area and population covered by the local development strategies, detailed rules on financial instruments (ex ante assessment, combination of support, eligibility, types of activities not supported), the rules on certain types of financial instruments set up at national, regional, transnational or cross-border level, rules concerning funding agreements, transfer and management of assets, the arrangements for management and control, the rules on payment requests, and establishment of a system of capitalisation of annual instalments, the definition of the flat rate for revenue generating operations, the definition of the flat rate applied to indirect costs for grants based on existing methods and corresponding rates applicable in Union

Amendment

(88) In order to supplement and amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of additional rules on the allocation of the performance reserve, the ***indicative*** definition of the area and population covered by the local development strategies, detailed rules on financial instruments (ex ante assessment, combination of support, eligibility, types of activities not supported), the rules on certain types of financial instruments set up at national, regional, transnational or cross-border level, rules concerning funding agreements, transfer and management of assets, the arrangements for management and control, the rules on payment requests, and establishment of a system of capitalisation of annual instalments, the definition of the flat rate for revenue generating operations, the definition of the flat rate applied to indirect costs for grants based on existing methods and corresponding rates applicable in Union policies, the responsibilities of Member States concerning the procedure for reporting irregularities and recovery of sums unduly paid, the modalities of

policies, the responsibilities of Member States concerning the procedure for reporting irregularities and recovery of sums unduly paid, the modalities of exchange of information of operations, the arrangements for the adequate audit trail, the conditions of national audits, the accreditation criteria for managing authorities and certifying authorities, the identification of commonly accepted data carriers, and the criteria for establishing the level of financial correction to be applied. The Commission should also be empowered to amend Annex V in order to address future adaptation needs. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

exchange of information of operations, the arrangements for the adequate audit trail, the conditions of national audits, the accreditation criteria for managing authorities and certifying authorities, the identification of commonly accepted data carriers, and the criteria for establishing the level of financial correction to be applied. The Commission should also be empowered to amend Annex V in order to address future adaptation needs. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

Or. en

Amendment 11
Proposal for a regulation
Recital 90

Text proposed by the Commission

(90) The Commission should be empowered to adopt, by means of implementing acts, as regards all CSF Funds, decisions approving the Partnership Contracts, decisions on the allocation of the performance reserve, decisions suspending payments linked to Member States' economic policies, and, in the case of decommitment, decisions to amend decisions adopting programmes; and as regards the Funds, decisions identifying the regions and Member States fulfilling the Investment for growth and jobs criteria, decisions setting out the annual breakdown of commitment appropriations to the Member States, decisions setting out the amount to be transferred from each Member State's CF allocation to the

Amendment

(90) The Commission should be empowered to adopt, by means of implementing acts, as regards all CSF Funds, decisions approving the ***mutually agreed*** Partnership Contracts, decisions on the allocation of the performance reserve, decisions suspending payments linked to Member States' economic policies, and, in the case of decommitment, decisions to amend decisions adopting programmes; and as regards the Funds, decisions identifying the regions and Member States fulfilling the Investment for growth and jobs criteria, decisions setting out the annual breakdown of commitment appropriations to the Member States, decisions setting out the amount to be transferred from each Member State's CF

Connecting Europe Facility, decisions setting out the amount to be transferred from each Member State's Structural Funds allocation for food for deprived people, decisions adopting and amending operational programmes, decisions on major projects, decisions on joint action plans, decisions suspending payments and decisions on financial corrections.

allocation to the Connecting Europe Facility, decisions setting out the amount to be transferred from each Member State's Structural Funds allocation for food for deprived people, decisions adopting and amending operational programmes, decisions on major projects, decisions on joint action plans, decisions suspending payments and decisions on financial corrections.

Or. en

Amendment 12
Proposal for a regulation
Part 1 – article 2 – paragraph 2 – point 2

Text proposed by the Commission

(2) ‘Common Strategic Framework’ means the document translating the objectives and targets of the Union strategy for smart, sustainable and inclusive growth into key actions for the CSF Funds, establishing for each thematic objective *the* key actions to be *supported* by each CSF Fund and the mechanisms for ensuring the coherence and consistency of the programming of the CSF Funds with the economic and employment policies of the Member States and of the Union;

Amendment

(2) ‘Common Strategic Framework’ means the document translating the objectives and targets of the Union strategy for smart, sustainable and inclusive growth into key actions for the CSF Funds, establishing for each thematic objective key actions *as recommendations* to be *taken into account* by each CSF Fund *in accordance with investment priorities* and the mechanisms for ensuring the coherence and consistency of the programming of the CSF Funds with the economic and employment policies of the Member States and of the Union *implementing Article 174 of the Treaty*;

Or. en

Amendment 13
Proposal for a regulation
Part 1 – article 2 – paragraph 2 – point 18

Text proposed by the Commission

(18) ‘Partnership Contract’ means the document prepared by the Member State

Amendment

(18) ‘Partnership Contract’ means the document prepared by the Member State

with the involvement of partners in line with the multi-level governance approach, which sets out the Member State's strategy, priorities and arrangements for using the CSF Funds in an effective and efficient way to pursue the Union strategy for smart, sustainable and inclusive growth, and which is approved by the Commission following assessment and dialogue with the Member State;

with the involvement of partners in line with the multi-level governance approach, which, ***taking account of its National Reform Programme***, sets out the Member State's strategy, priorities and arrangements for using the CSF Funds in an effective and efficient way to pursue the Union strategy for smart, sustainable and inclusive growth, and which is approved by the Commission following assessment and dialogue with the Member State;

Or. en

Amendment 14

Proposal for a regulation

Part 1 – article 2 – paragraph 2 – point 24 a (new)

Text proposed by the Commission

Amendment

(24a) 'ex ante conditionality' means a concretely and precisely pre-defined critical factor, which is a necessary prerequisite for, and has a genuine link to and direct impact on the effective and efficient implementation of the concrete content of investment to be financed from any of the CSF Funds.

Or. en

Amendment 15

Proposal for a regulation

Part 2 – article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. The CSF Funds shall provide support, through multi-annual programmes, which complements national, regional and local intervention, to deliver the Union strategy for smart, sustainable and inclusive growth, taking account of the Integrated Guidelines, the country-specific

1. The CSF Funds shall provide support, through multi-annual programmes, which complements national, regional and local intervention, to deliver the Union strategy for smart, sustainable and inclusive growth ***on the basis of National Reform Programmes***, taking account of the

recommendations under Article 121(2) of the Treaty and the relevant Council recommendations adopted under 148(4) of the Treaty.

Integrated Guidelines, the country-specific recommendations under Article 121(2) of the Treaty and the relevant Council recommendations adopted under 148(4) of the Treaty.

Or. en

Amendment 16
Proposal for a regulation
Part 2 – article 4 – paragraph 10

Text proposed by the Commission

10. The Commission and the Member States shall carry out their respective roles in relation to the CSF Funds with the aim of reducing the administrative burden for beneficiaries.

Amendment

10. The Commission and the Member States shall carry out their respective roles in relation to the CSF Funds with the aim of reducing the administrative burden for beneficiaries, ***for national, regional and local public authorities and bodies acting at different levels of administration as managing authorities.***

Or. en

Amendment 17
Proposal for a regulation
Part 2 – article 5 – paragraph 3

Text proposed by the Commission

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 142 to provide for a European code of conduct that lays down objectives and criteria to support the implementation of partnership and to facilitate the sharing of information, experience, results and good practices among Member States.

Amendment

deleted

Or. en

Justification

In the absence of a concrete proposal for a code of conduct, the reasons for introducing such an instrument, its purpose and nature are unclear.

Amendment 18
Proposal for a regulation
Part 2 – article 7 a (new)

Text proposed by the Commission

Amendment

Article 7 a

Accessibility for persons with disabilities
The Member States and the Commission shall ensure that accessibility for persons with disabilities be observed in all stages of the preparation and implementation of programmes.

Or. en

Amendment 19
Proposal for a regulation
Part 2 – article 10 – paragraph 1

Text proposed by the Commission

Amendment

In order to promote the harmonious, balanced and sustainable development of the Union, a Common Strategic Framework shall translate the objectives and targets of the Union strategy for smart, sustainable and inclusive growth into key actions for the CSF Funds.

In order to promote the harmonious, balanced and sustainable development of the Union, a Common Strategic Framework shall translate the objectives and targets of the Union strategy for smart, sustainable and inclusive growth into **recommendations on** key actions for the CSF Funds.

Or. en

Amendment 20
Proposal for a regulation
Part 2 – article 11 – paragraph 1 – point a

Text proposed by the Commission

(a) for each thematic objective, **the** key actions to be supported by each CSF Fund;

Amendment

(a) for each thematic objective, **recommendations on** key actions to be supported by each CSF Fund;

Or. en

Amendment 21
Proposal for a regulation
Part 2 – article 11 – paragraph 1 – point d

Text proposed by the Commission

(d) priority areas for cooperation activities for each of the CSF Funds, where appropriate, taking account of macro-regional and sea basin strategies;

Amendment

(d) priority areas for cooperation activities for each of the CSF Funds, where appropriate, taking account of macro-regional and sea basin strategies **in accordance with Member States' priorities**;

Or. en

Amendment 22
Proposal for a regulation
Part 2 – article 12

Text proposed by the Commission

Adoption and review

The Commission shall be empowered to adopt a delegated act in accordance with Article 142 on the Common Strategic Framework within 3 months of the adoption of this Regulation.

Where there are major changes in the Union strategy for smart, sustainable and inclusive growth, the Commission shall review and, where appropriate, adopt, by delegated act in accordance with Article 142, a revised Common Strategic Framework.

Amendment

deleted

Within 6 months of adoption of a revised Common Strategic Framework, Member States shall propose amendments, where necessary, to their Partnership Contract and programmes to ensure their consistency with the revised Common Strategic Framework.

Or. en

Justification

The provisions proposed to be included in the CSF should be adopted by the European Parliament and the Council in an ordinary legislative procedure.

Amendment 23

Proposal for a regulation

Part 2 – article 14 – paragraph 1 – point a – point i

Text proposed by the Commission

(i) an analysis of disparities and development needs with reference to the thematic objectives and key actions defined in the Common Strategic Framework and the targets set in the country-specific recommendations under Article 121(2) of the Treaty and the relevant Council recommendations adopted under Article 148(4) of the Treaty;

Amendment

(i) an analysis of disparities and development needs with reference to the thematic objectives and key actions ***as recommendations*** defined in the Common Strategic Framework and the targets set in the country-specific recommendations under Article 121(2) of the Treaty and the relevant Council recommendations adopted under Article 148(4) of the Treaty, ***taking account of the Member State's National Reform Programme;***

Or. en

Amendment 24

Proposal for a regulation

Part 2 – article 14 – paragraph 1 – point a – point v

Text proposed by the Commission

(v) the main priority areas for cooperation, taking account, where appropriate, of macro-regional and sea basin strategies;

Amendment

(v) the main priority areas for cooperation, taking account, where appropriate, of macro-regional and sea basin strategies ***in***

accordance with Member State's priorities;

Or. en

Amendment 25
Proposal for a regulation
Part 2 – article 14 – paragraph 1 – point b – point ii

Text proposed by the Commission

(ii) the arrangements to ensure an integrated approach to the use of the CSF Funds for the territorial development of urban, rural, coastal and fisheries areas and areas with particular territorial features, in particular the implementation arrangements for Articles 28, 29 and 99 accompanied, where appropriate, by *a* list of the cities to participate in the urban development platform referred to in Article 8 of the ERDF Regulation;

Amendment

(ii) the arrangements to ensure an integrated approach to the use of the CSF Funds for the territorial development of urban, rural, coastal and fisheries areas and areas with particular territorial features, in particular the implementation arrangements for Articles 28, 29 and 99 accompanied, where appropriate, by *an indicative* list of the cities to participate in the urban development platform referred to in Article 8 of the ERDF Regulation;

Or. en

Amendment 26
Proposal for a regulation
Part 2 – article 14 – paragraph 1 – point c

Text proposed by the Commission

(c) an integrated approach to address the specific needs of geographical areas most affected by poverty or of target groups at highest risk of discrimination or exclusion, with special regard to marginalised communities, where appropriate, including the indicative financial allocation for the relevant CSF Funds;

Amendment

(c) an integrated approach to address the specific needs of geographical areas most affected by poverty *and unemployment* or of target groups at highest risk of discrimination or *social* exclusion, with special regard to *persons with disabilities and* marginalised communities, where appropriate, including the indicative financial allocation for the relevant CSF Funds;

Or. en

Amendment 27
Proposal for a regulation
Part 2 – article 14 – paragraph 1 – point d – point ii

Text proposed by the Commission

(ii) a summary of the assessment of the fulfilment of ex ante conditionalities and of the actions to be taken at national and regional level, and the timetable for their implementation, where ex ante conditionalities are not fulfilled;

Amendment

(ii) a summary of the assessment of the fulfilment of **relevant** ex ante conditionalities and of the actions to be taken at national and regional level, and the timetable for their implementation, where ex ante conditionalities are not fulfilled;

Or. en

Amendment 28
Proposal for a regulation
Part 2 – article 15 – paragraph 2

Text proposed by the Commission

2. The Commission shall adopt a decision, by means of implementing acts, approving the Partnership Contract no later than **six** months after its submission by the Member State, provided that any observations made by the Commission have been satisfactorily taken into account. The Partnership Contract shall not enter into force before 1 January 2014.

Amendment

2. The Commission shall adopt a decision, by means of implementing acts, approving the **elements of the** Partnership Contract **falling under Article 14 (a) (iii) - (iv) and (vi) - (vii) and (d) (i) - (iii)** no later than **four** months after its submission by the Member State, provided that any observations made by the Commission have been satisfactorily taken into account. The Partnership Contract shall not enter into force before 1 January 2014.

Or. en

Amendment 29
Proposal for a regulation
Part 2 – article 16 – paragraph 1

Text proposed by the Commission

Member States shall concentrate support,

Amendment

Member States shall concentrate support,

in accordance with the Fund-specific rules, on actions bringing the greatest added value in relation to the Union strategy for smart, sustainable and inclusive growth, addressing the challenges identified in the country-specific recommendations under Article 121(2) of the Treaty and the relevant Council recommendations adopted under 148(4) of the Treaty, and taking into account national and regional needs.

in accordance with the Fund-specific rules, on actions bringing the greatest added value in relation to the Union strategy for smart, sustainable and inclusive growth, addressing the challenges identified in the country-specific recommendations, ***as translated in the context of National Reform Programme and other strategies***, under Article 121(2) of the Treaty and the relevant Council recommendations adopted under 148(4) of the Treaty, and taking into account national and regional needs.

Or. en

Amendment 30
Proposal for a regulation
Part 2 – article 17 – paragraph 1

Text proposed by the Commission

1. Ex ante conditionalities shall be defined for each CSF Fund in the Fund-specific rules.

Amendment

1. Ex ante conditionalities ***and corresponding criteria for their fulfilment*** shall be defined for each CSF Fund in the Fund-specific rules.

Or. en

Amendment 31
Proposal for a regulation
Part 2 – article 17 – paragraph 2

Text proposed by the Commission

2. Member States shall assess whether the ***applicable*** ex ante conditionalities are fulfilled.

Amendment

2. Member States shall assess whether the ex ante conditionalities, ***relevant to the effectiveness of the contribution of the Funds in the applicable cases of investment***, are fulfilled.

Or. en

Amendment 32
Proposal for a regulation
Part 2 – article 17 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. When acting pursuant to paragraph 5, the Commission shall take due account of the situation in the Member State concerned and of its previous experience with regard to the fulfilment of the relevant ex ante conditionality.

Or. en

Amendment 33
Proposal for a regulation
Part 2 – article 18 – paragraph 1

Text proposed by the Commission

Amendment

5% of the resources allocated to each ***CSF Fund and*** Member State, with the exception of resources allocated to the European territorial cooperation goal and to Title V of the EMFF Regulation, shall constitute a performance reserve to be allocated in accordance with Article 20.

0.1 % of the resources allocated to each Member State, with the exception of resources allocated to the European territorial cooperation goal and to Title V of the EMFF Regulation, shall constitute a performance reserve to be allocated in accordance with Article 20.

Or. en

Justification

The proposed provision raises serious concerns about its effects within the overall set-up for the CSF Funds, the powers of the Commission as well as the level of administrative burden of Member States.

Amendment 34
Proposal for a regulation
Part 2 – article 19 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission, in cooperation with

1. The Commission, in cooperation with

the Member States, shall undertake a review of the performance of the programmes in each Member State **in 2017 and 2019**, with reference to the performance framework set out in the respective Partnership Contract and programmes. The method for establishing the performance framework is set out in Annex I.

the Member States, shall undertake a review of the performance of the programmes in each Member State, with reference to the performance framework set out in the respective Partnership Contract and programmes. The ***performance review shall take place twice during the programme period, in the years to be mutually agreed by the Member State and the Commission.*** The method for establishing the performance framework is set out in Annex I.

Or. en

Justification

In order to ensure flexibility, taking account of situation in different Member States, the modalities of the performance review should be mutually agreed by the Member State and the Commission.

Amendment 35 Proposal for a regulation Part 2 – article 19 – paragraph 2

Text proposed by the Commission

2. The review shall examine the achievement of the milestones of the programmes at the level of priorities, on the basis of the information and the assessments presented in the progress reports submitted by the Member States in the years **2017 and 2019**.

Amendment

2. The review shall examine the achievement of the milestones of the programmes at the level of priorities, on the basis of the information and the assessments presented in the progress reports submitted by the Member States in the years ***of the performance review***.

Or. en

Amendment 36 Proposal for a regulation Part 2 – article 19 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The review shall take into account any

changes in the economic and social circumstances that may influence the achievement of the milestones of the programmes.

Or. en

Amendment 37
Proposal for a regulation
Part 2 – article 20 – paragraph 1

Text proposed by the Commission

1. Where the review of performance undertaken in **2017** reveals that a priority within a programme has not attained its milestones set for the year **2016**, the Commission shall make recommendations to the Member State concerned.

Amendment

1. Where the review of performance undertaken in ***the year of the first performance review*** reveals that a priority within a programme has not attained its milestones set for the year ***preceding the year of the first performance review***, the Commission shall make recommendations to the Member State concerned.

Or. en

Amendment 38
Proposal for a regulation
Part 2 – article 20 – paragraph 2

Text proposed by the Commission

2. On the basis of the review undertaken in **2019**, the Commission shall adopt a decision, by means of implementing acts, to determine for each CSF Fund and Member State the programmes and priorities which have attained their milestones. The Member State shall propose the attribution of the performance reserve for the programmes and priorities set out in that Commission decision. The Commission shall approve the amendment of the programmes concerned in accordance with Article 26. Where a Member State fails to submit the

Amendment

2. On the basis of the ***final*** review undertaken in ***the year of the second performance review***, the Commission shall adopt a decision, by means of implementing acts, to determine for each CSF Fund and Member State the programmes and priorities which have attained their milestones ***taking into account, among other things, external conditions and changes of the GDP of the EU and the Member State concerned***. The Member State shall propose the attribution of the performance reserve for the programmes and priorities set out in that

information in accordance with Article 46(2) and (3), the performance reserve for the programmes or the priorities concerned shall not be allocated.

Commission decision. The Commission shall approve the amendment of the programmes concerned in accordance with Article 26. Where a Member State fails to submit the information in accordance with Article 46(2) and (3), the performance reserve for the programmes or the priorities concerned shall not be allocated.

Or. en

Amendment 39
Proposal for a regulation
Part 2 – article 20 – paragraph 3

Text proposed by the Commission

3. Where there is evidence resulting from a performance review that a priority has failed to achieve the milestones set out in the performance framework, the Commission may suspend all or part of an interim payment of a priority of a programme in accordance with the procedure laid down in Fund-specific rules.

Amendment

3. Where there is evidence resulting from a performance review *undertaken in accordance with paragraph 2* that a priority has *significantly* failed to achieve the milestones set out in the performance framework, the Commission may suspend all or part of an interim payment of a priority of a programme in accordance with the procedure laid down in Fund-specific rules *and in accordance with the previous comments by the Commission*.

Or. en

Amendment 40
Proposal for a regulation
Part 2 – chapter 4 – title

Text proposed by the Commission

Macroeconomic conditionalities

Amendment

Assistance to Member States with budgetary difficulties

Or. en

Amendment 41
Proposal for a regulation
Part 2 – article 21

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 42
Proposal for a regulation
Part 2 – article 23 – paragraph 3

Text proposed by the Commission

Amendment

3. Programmes shall be submitted by the Member States *at the same time as* the Partnership Contract, with the exception of European territorial cooperation programmes, which shall be submitted within *six* months of the *approval* of the Common Strategic Framework. All programmes shall be accompanied by the ex ante evaluation as set out in Article 48.

3. Programmes shall be submitted by the Member States *within 3 months after* the *submission of* the Partnership Contract, with the exception of European territorial cooperation programmes, which shall be submitted within *nine* months of the *adoption* of the Common Strategic Framework. All programmes shall be accompanied by the ex ante evaluation as set out in Article 48.

Or. en

Amendment 43
Proposal for a regulation
Part 2 – article 24 – paragraph 4

Text proposed by the Commission

Amendment

4. Each programme, except those which cover exclusively technical assistance, shall include a description of the actions to take into account the principles set out in Articles 7 and 8.

4. Each programme, except those which cover exclusively technical assistance, shall include a description of the actions to take into account the principles set out in Articles 7, *7a* and 8.

Or. en

Amendment 44
Proposal for a regulation
Part 2 – article 40 – paragraph 1

Text proposed by the Commission

1. The managing authority shall send to the Commission a specific report covering the operations comprising financial instruments as an annex to the annual implementation report.

Amendment

1. The managing authority shall send to the Commission a specific report covering the operations comprising financial instruments as an annex to the annual implementation report ***paying attention to avoiding duplicity and additional administrative burden.***

Or. en

Amendment 45
Proposal for a regulation
Part 2 – article 44 – paragraph 3

Text proposed by the Commission

3. The annual implementation report submitted in **2017** shall set out and assess the information set out in paragraph 2 and progress towards achieving the objectives of the programme, including the contribution of the CSF Funds to changes in result indicators, when evidence is available from evaluations. It shall also assess the implementation of actions to take into account the principles set out in Articles 6, 7 and 8 and report on support used for climate change targets.

Amendment

3. The annual implementation report submitted in ***the year of the first performance review*** shall set out and assess the information set out in paragraph 2 and progress towards achieving the objectives of the programme, including the contribution of the CSF Funds to changes in result indicators, when evidence is available from evaluations. It shall also assess the implementation of actions to take into account the principles set out in Articles 6, 7, ***7a*** and 8 and report on support used for climate change targets.

Or. en

Amendment 46
Proposal for a regulation
Part 2 – article 44 – paragraph 4

Text proposed by the Commission

4. The annual implementation report submitted in **2019** and the final implementation report for the CSF Funds shall, in addition to the information and assessment set out in paragraphs 2 and 3, include information on and assess progress towards achieving the objectives of the programme and its contribution to achieving the Union strategy for smart, sustainable and inclusive growth.

Amendment

4. The annual implementation report submitted in ***the year of the second performance review*** and the final implementation report for the CSF Funds shall, in addition to the information and assessment set out in paragraphs 2 and 3, include information on and assess progress towards achieving the objectives of the programme and its contribution to achieving the Union strategy for smart, sustainable and inclusive growth.

Or. en

Amendment 47
Proposal for a regulation
Part 2 – article 45 – paragraph 2

Text proposed by the Commission

2. The annual review meeting may cover more than one programme. In **2017 and 2019**, the annual review meeting shall cover all programmes in the Member State and shall also take account of the progress reports submitted by the Member State in accordance with Article 46 in those years.

Amendment

2. The annual review meeting may cover more than one programme. In ***the years of the performance review***, the annual review meeting shall cover all programmes in the Member State and shall also take account of the progress reports submitted by the Member State in accordance with Article 46 in those years.

Or. en

Amendment 48
Proposal for a regulation
Part 2 – article 45 – paragraph 3

Text proposed by the Commission

3. The Member State and the Commission may agree not to organise an annual review meeting for a programme in years other than **2017 and 2019**.

Amendment

3. The Member State and the Commission may agree not to organise an annual review meeting for a programme in years other than ***the years of the performance review***.

Amendment 49
Proposal for a regulation
Part 2 – article 48 – paragraph 3 – point l a (new)

Text proposed by the Commission

Amendment

(la) the adequacy of planned measures to ensure accessibility for persons with disabilities;

Or. en

Amendment 50
Proposal for a regulation
Part 2 – article 51 – paragraph 1 – subparagraph 2 – point j a (new)

Text proposed by the Commission

Amendment

(ja) support for capacity building of social partners and civil society organisations regarding the involvement of representatives of vulnerable groups.

Or. en

Amendment 51
Proposal for a regulation
Part 2 – article 56 – paragraph 2

Text proposed by the Commission

Amendment

In the case of repayable assistance, the support repaid to the body that provided it, or to another competent authority of the Member State, shall be kept in a separate account and reused for the same purpose or in accordance with the objectives of the programme.

In the case of repayable assistance, the support repaid to the body that provided it, or to another competent authority of the Member State, shall be kept in a separate account ***code*** and reused for the same purpose or in accordance with the objectives of the programme.

Or. en

Amendment 52
Proposal for a regulation
Part 2 – article 58 – paragraph 1 – point a

Text proposed by the Commission

(a) a flat rate of up to **20** % of eligible direct costs, where the rate is calculated on the basis of a fair, equitable and verifiable calculation method or a method applied under schemes for grants funded entirely by the Member State for a similar type of operation and beneficiary;

Amendment

(a) a flat rate of up to **30** % of eligible direct costs, where the rate is calculated on the basis of a fair, equitable and verifiable calculation method or a method applied under schemes for grants funded entirely by the Member State for a similar type of operation and beneficiary;

Or. en

Amendment 53
Proposal for a regulation
Part 2 – article 58 – paragraph 1 – point b

Text proposed by the Commission

(b) a flat rate of up to **15** % of eligible direct staff costs;

Amendment

(b) a flat rate of up to **20** % of eligible direct staff costs;

Or. en

Amendment 54
Proposal for a regulation
Part 2 – article 59 – paragraph 3 – point c

Text proposed by the Commission

(c) value added tax. However, VAT amounts shall be eligible where they are not recoverable under national VAT legislation and are paid by a beneficiary other than non-taxable person as defined in the first subparagraph of Article 13(1) of Directive 2006/112/EC, provided that such VAT amounts are not incurred in relation to the provision of infrastructure.

Amendment

(c) **recoverable** value added tax. However, VAT amounts shall be eligible where they are not recoverable under national VAT legislation and are paid by a beneficiary other than non-taxable person as defined in the first subparagraph of Article 13(1) of Directive 2006/112/EC, provided that such VAT amounts are not incurred in relation to the provision of infrastructure.

Justification

It is crucial to maintain the current rules on the VAT eligibility in order to avoid additional budgetary burden and consequently a risk of a significant decrease in the use of the Funds by the Member States. Eligibility of unrevocable VAT is very important mainly for municipalities and regions, especially the less developed ones which could otherwise face even bigger difficulties than during the current period.

Amendment 55**Proposal for a regulation****Part 2 – article 60 – paragraph 2 – point b***Text proposed by the Commission*

(b) the total amount allocated under the programme to operations located outside the programme area does not exceed **10 %** of the support from the ERDF, Cohesion Fund and EMFF at the level of the priority, or **3%** of the support from the EAFRD at the level of the programme;

Amendment

(b) the total amount allocated under the programme to operations located outside the programme area does not exceed **15 %** of the support from the ERDF, Cohesion Fund and EMFF at the level of the priority, or **5 %** of the support from the EAFRD at the level of the programme;

Or. en

Amendment 56**Proposal for a regulation****Part 2 – article 61 – paragraph 1 – subparagraph 1 – introductory part***Text proposed by the Commission*

An operation comprising investment in infrastructure or productive investment shall repay the contribution from the CSF Funds if within five years from the final payment to the beneficiary or within the period of time set out in the State aid rules, where applicable, it is subject to:

Amendment

An operation comprising investment in infrastructure or productive investment shall **proportionally** repay the contribution from the CSF Funds if within five years, **and specifically in the case of SMEs within three years**, from the final payment to the beneficiary or within the period of time set out in the State aid rules, where applicable, it is subject to:

Or. en

Amendment 57
Proposal for a regulation
Part 2 – article 74 – paragraph 1 – introductory part

Text proposed by the Commission

1. The payment deadline for an interim payment claim may be interrupted by the authorising officer by delegation within the meaning of the Financial Regulation for a maximum period of *nine* months if:

Amendment

1. The payment deadline for an interim payment claim may be interrupted by the authorising officer by delegation within the meaning of the Financial Regulation for a maximum period of *six* months if:

Or. en

Amendment 58
Proposal for a regulation
Part 3 – article 84 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

(c) 16,39 % (i.e., a total of EUR 53 142 922 017) for more developed regions;

Amendment

(c) 16,39 % (i.e., a total of EUR 53 142 922 017) for more developed regions, *with special regards to possible exceptions in the case of a national capital with a high density of population and extreme concentration of national population there, based on the Partnership Contract;*

Or. en

Amendment 59
Proposal for a regulation
Part 3 – article 84 – paragraph 3

Text proposed by the Commission

3. At least 25 % of the Structural Funds resources for less developed regions, 40% for transition regions and **52%** for more developed regions in each Member State shall be allocated to the ESF. For the purposes of this provision, the support to a

Amendment

3. At least 25 % of the Structural Funds resources for less developed regions, 40 % for transition regions and **45 %** for more developed regions in each Member State shall be allocated to the ESF. For the purposes of this provision, the support to a

Member State through the [Food for deprived people instrument] shall be considered as part of the share of Structural Funds allocated to the ESF.

Member State through the [Food for deprived people instrument] shall be considered as part of the share of Structural Funds allocated to the ESF.

Or. en

Justification

In the absence of concrete data justifying the proposed large differences between the figures, taking account of the differences between the Member States, the current flexibility should preferably be maintained. Allocations to individual Funds should be agreed in the Partnership Contract, based on the National Reform Programme and other relevant programmes and strategies of the Member State.

Amendment 60
Proposal for a regulation
Part 3 – article 84 – paragraph 6

Text proposed by the Commission

6. 5% of the resources for the Investment for growth and jobs goal shall constitute the performance reserve to be allocated in accordance with Article 20.

Amendment

6. **0.1** % of the resources for the Investment for growth and jobs goal shall constitute the performance reserve to be allocated in accordance with Article 20.

Or. en

Amendment 61
Proposal for a regulation
Part 3 – article 85 – paragraph 2

Text proposed by the Commission

2. By way of derogation from paragraph 1, the Commission may accept, in duly justified circumstances which are linked to the implementation of one or more thematic objectives, a proposal by a Member State in its first submission of the Partnership Contract to transfer up to **2%** of the total appropriation for a category of regions to other categories of regions.

Amendment

2. By way of derogation from paragraph 1, the Commission may accept, in duly justified circumstances which are linked to the implementation of one or more thematic objectives, a proposal by a Member State in its first submission of the Partnership Contract to transfer up to **6** % of the total appropriation for a category of regions to other categories of regions.

Justification

Following the rules in place under the current legislation, there is no reason for adding a further burden on the Member States. In addition, the high level of complexity of the Cohesion policy should be taken into account and the principle of subsidiarity as enshrined in the Treaty should be respected.

Amendment 62**Proposal for a regulation****Part 3 – article 86 – paragraph 5 – subparagraph 1***Text proposed by the Commission*

The verification of whether the level of public or equivalent structural expenditure under the Investment for growth and jobs goal has been maintained shall take place at the time of submission of the Partnership Contract (ex ante verification), in **2018** (mid-term verification), and in **2022** (ex post verification).

Amendment

The verification of whether the level of public or equivalent structural expenditure under the Investment for growth and jobs goal has been maintained shall take place at the time of submission of the Partnership Contract (ex ante verification), **and** in mid-term verification, and **finally** in ex post verification.

Amendment 63**Proposal for a regulation****Part 3 – article 87 – paragraph 2 – point c – point iii***Text proposed by the Commission*

(iii) the list of cities where integrated actions for sustainable urban development will be implemented, the indicative annual allocation of the ERDF support for these actions, including the resources delegated to cities for management under Article 7(2) of Regulation (EU) No [...] [ERDF] and the indicative annual allocation of ESF support for integrated actions;

Amendment

(iii) the **indicative** list of cities where integrated actions for sustainable urban development will be implemented, the indicative annual allocation of the ERDF support for these actions, including the resources delegated to cities for management under Article 7(2) of Regulation (EU) No [...] [ERDF] and the indicative annual allocation of ESF support for integrated actions;

Amendment 64
Proposal for a regulation
Part 3 – article 87 – paragraph 2 – point c – point iv

Text proposed by the Commission

Amendment

(iv) the identification of the areas in which community-led local development will be implemented;

(iv) the **indicative** identification of the areas in which community-led local development will be implemented;

Or. en

Amendment 65
Proposal for a regulation
Part 3 – article 87 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) the contribution to the integrated approach set out in the Partnership Contract to address the specific needs of geographical areas most affected by poverty or target groups at highest risk of discrimination or exclusion, with special regard to marginalised communities, and the indicative financial allocation;

(d) the contribution to the integrated approach set out in the Partnership Contract to address the specific needs of geographical areas most affected by poverty **and unemployment** or target groups at highest risk of discrimination or **social** exclusion, with special regard to **persons with disabilities and** marginalised communities, and the indicative financial allocation;

Or. en

Amendment 66
Proposal for a regulation
Part 3 – article 87 – paragraph 2 – point e – point ii

Text proposed by the Commission

Amendment

(ii) for each ex ante conditionality, established in accordance with Annex IV, that is not fulfilled at the date of submission of the Partnership Contract and operational programme, a description of

(ii) for each **relevant** ex ante conditionality, established in accordance with Annex IV, that is not fulfilled at the date of submission of the Partnership Contract and operational programme, a description of

the actions to fulfil the ex ante conditionality and a timetable for such actions;

the actions to fulfil the ex ante conditionality and a timetable for such actions;

Or. en

Amendment 67
Proposal for a regulation
Part 3 – article 87 – paragraph 2 – point f – point iii

Text proposed by the Commission

Amendment

(iii) *a* list of major projects for which the estimated start date for the execution of the main works is before 1 January 2018;

(iii) *an indicative* list of major projects for which the estimated start date for the execution of the main works is before 1 January 2018;

Or. en

Amendment 68
Proposal for a regulation
Part 3 – article 87 – paragraph 3 – subparagraph 1 – point ii

Text proposed by the Commission

Amendment

(ii) a description of the specific actions to promote equal opportunities and prevent any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the preparation, design and implementation of the operational programme and in particular in relation to access to funding, taking account of the needs of the various target groups at risk of such discrimination *and in particular the requirements of ensuring accessibility for disabled persons*;

(ii) a description of the specific actions to promote equal opportunities and prevent any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the preparation, design and implementation of the operational programme and in particular in relation to access to funding, taking account of the needs of the various target groups at risk of such discrimination;

Or. en

Amendment 69
Proposal for a regulation
Part 3 – article 87 – paragraph 3 – subparagraph 1 – point ii a (new)

Text proposed by the Commission

Amendment

(ii a) a description of the specific actions to ensure accessibility for persons with disabilities during the preparation, design and implementation of the operational programme;

Or. en

Amendment 70
Proposal for a regulation
Part 3 – article 87 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall adopt a decision approving the operational programme by means of implementing acts.

5. The Commission shall adopt a decision approving the ***elements of the*** operational programme ***falling under points (a)(ii), b(i) - (ii), (d), (e)(i) - (ii), g(i) - (ii) and h(i) - (ii) of paragraph 2,*** by means of implementing acts.

Or. en

Amendment 71
Proposal for a regulation
Part 3 – article 89 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

Operational programmes focusing on vulnerable groups such as the youth, women, migrants, long-term unemployed, the deprived elderly, people with disabilities and ethnic minorities must be eligible to operate across the territory irrespective of the geographical limitations of reference.

Amendment 72
Proposal for a regulation
Part 3 – article 95 – paragraph 1 – point 6 a (new)

Text proposed by the Commission

Amendment

(6 a) an analysis of the effects of the joint action plan on the accessibility for persons with disabilities;

Or. en

Amendment 73
Proposal for a regulation
Part 3 – article 100 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(f a) actions to ensure accessibility for persons with disabilities;

Or. en

Amendment 74
Proposal for a regulation
Part 3 – article 101 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. The annual implementation reports submitted in **2017 and 2019** shall set out and assess the information required under Articles 44(3) and (4) respectively, the information set out in paragraph 2, **together with:**

3. The annual implementation reports submitted in **the years of performance review** shall set out and assess the information required under Articles 44(3) and (4) respectively, the information set out in paragraph 2, **and may, depending on the content and objectives of operational programmes, add information on the following elements:**

Or. en

Amendment 75
Proposal for a regulation
Part 3 – article 101 – paragraph 3 – point e

Text proposed by the Commission

(e) the specific actions taken to promote equality between men and women and to prevent discrimination, **including accessibility for disabled persons**, and the arrangements implemented to ensure the integration of the gender perspective in the operational programme and operations;

Amendment

(e) the specific actions taken to promote equality between men and women and to prevent discrimination and the arrangements implemented to ensure the integration of the gender perspective in the operational programme and operations;

Or. en

Amendment 76
Proposal for a regulation
Part 3 – article 101 – paragraph 3 – point e a (new)

Text proposed by the Commission

Amendment

(e a) the specific actions taken to ensure accessibility for persons with disabilities;

Or. en

Amendment 77
Proposal for a regulation
Part 3 – article 101 – paragraph 3 – point i

Text proposed by the Commission

(i) progress in the implementation of measures to address the specific needs of geographical areas most affected by poverty or of target groups at highest risk of discrimination or exclusion, with special regard to marginalised communities including, where appropriate, the financial resources used;

Amendment

(i) progress in the implementation of measures to address the specific needs of geographical areas most affected by poverty **and unemployment** or of target groups at highest risk of discrimination or **social** exclusion, with special regard to **persons with disabilities and** marginalised communities including, where appropriate, the financial resources used;

Amendment 78
Proposal for a regulation
Part 3 – article 106 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The communication strategy should be accessible for persons with disabilities.

Or. en

Amendment 79
Proposal for a regulation
Part 3 – article 108 – paragraph 1

Text proposed by the Commission

Amendment

The Funds may support technical assistance up to a ceiling of 0,35 % of their respective annual allocation.

The Funds may support technical assistance up to a ceiling of 0,25 % of their respective annual allocation.

Or. en

Amendment 80
Proposal for a regulation
Part 3 – article 110 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

The co-financing rate at the level of each priority axis of operational programmes under the European territorial cooperation goal shall be no higher than 75%.

The co-financing rate at the level of each priority axis of operational programmes under the European territorial cooperation goal shall be no higher than 85%.

Or. en

Amendment 81
Proposal for a regulation
Part 3 – article 124 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) in 2014: **2 %** of the amount of support from the Funds for the entire programming period to the operational programme;

(a) in 2014: **3 %** of the amount of support from the Funds for the entire programming period to the operational programme;

Or. en

Justification

The thrust of the current legislation (Article 82 of Regulation No 1083/2006) should be maintained in points (a), (b) and (c) in order to ensure better stability and sustainability as well as to help addressing the consequences of the economic crisis in Europe.

Amendment 82
Proposal for a regulation
Part 3 – article 124 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) in 2015: **1 %** of the amount of support from the Funds for the entire programming period to the operational programme;

(b) in 2015: **2 %** of the amount of support from the Funds for the entire programming period to the operational programme;

Or. en

Amendment 83
Proposal for a regulation
Part 3 – article 124 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) in 2016: **1 %** of the amount of support from the Funds for the entire programming period to the operational programme.

(c) in 2016: **2 %** of the amount of support from the Funds for the entire programming period to the operational programme.

Or. en

Amendment 84
Proposal for a regulation
Part 3 – article 127 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Commission shall decommit any part of the amount calculated in accordance with the second subparagraph in *an operational programme* that has not been used for payment of the initial and annual pre-financing, interim payments and annual balance by 31 December of the *second* financial year following the year of budget commitment under the operational programme or for which a payment application drawn up in accordance with Article 121 has not been submitted in accordance with Article 126.

Amendment

The Commission shall decommit any part of the amount calculated in accordance with the second subparagraph in *a Member State* that has not been used for payment of the initial and annual pre-financing, interim payments and annual balance by 31 December of the *third* financial year following the year of budget commitment under the operational programme or for which a payment application drawn up in accordance with Article 121 has not been submitted in accordance with Article 126.

Or. en

Justification

In line with the justification of the modifications to Article 124, greater flexibility should be ensured for the Member States also in respect of decommitment. In addition, better predictability should be ensured as a basic principle of the new legislative framework.

Amendment 85
Proposal for a regulation
Part 3 – article 134 – paragraph 1 – point f

Text proposed by the Commission

(f) there is evidence resulting from a performance review that a priority axis has failed to achieve the milestones set out in the performance framework;

Amendment

(f) there is evidence resulting from a performance review that a priority axis has *significantly* failed to achieve the milestones set out in the performance framework;

Or. en

Amendment 86
Proposal for a regulation
Annex 1 – point 1 – introductory part

Text proposed by the Commission

1. The performance framework shall consist of milestones established for each priority for the years **2016** and **2018** and targets established for 2022. The milestones and targets shall be presented in accordance with the format set out in table 1.

Amendment

1. The performance framework shall consist of milestones established for each priority for ***two specific years of the programme period, preceding the years of the performance review to be mutually agreed by the Member State and the Commission***, and targets established for 2022. The milestones and targets shall be presented in accordance with the format set out in table 1.

Or. en

Amendment 87
Proposal for a regulation
Annex 1 – point 2

Text proposed by the Commission

2. Milestones are intermediate targets for the achievement of the specific objective of a priority, expressing the intended progress towards the targets set for the end of the period. Milestones established for **2016** shall include financial indicators and output indicators. Milestones established for **2018** shall include financial indicators, output ***indicators and where appropriate, result*** indicators. Milestones may also be established for key implementation steps.

Amendment

2. Milestones are intermediate targets for the achievement of the specific objective of a priority expressing the intended progress towards the targets set for the end of the period. Milestones established for ***the year preceding the year of the first performance review*** shall include financial indicators and output indicators. Milestones established for ***the year preceing the year of the second performance review*** shall include financial indicators ***and*** output indicators. Milestones may also be established for key implementation steps.

Or. en

Amendment 88
Proposal for a regulation
Annex 1 – point 3 – indent 1 a (new)

Text proposed by the Commission

Amendment

- ambitious but realistic in terms of the particular circumstances in the Member State, the nature of the interventions and the resources earmarked to the priority concerned;

Or. en

Amendment 89
Proposal for a regulation
Annex 1 – point 3 a (new)

Text proposed by the Commission

Amendment

3 a. Milestones and targets may be modified on the request of Member State in accordance with the procedure laid down in Article 26.

Or. en