



# ***Amendment of operational programmes***

**EMFF expert group  
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# Structure of the presentation

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- *procedure*

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# Legal framework

## **1. CPR (1303/2013)**

- **Article 30** - Amendment of programmes
- **Article 65(9)** - Eligibility
- **Article 25** - Management of technical assistance for Member States with temporary budgetary difficulties

## **2. EMFF (508/2014)**

- **Article 20** - Amendment of the operational programme
- **Article 22** - Rules on procedures and timetables

## **3. COM Implementing Regulation (1362/2014)**

- **Article 1** - Approval by simplified procedure of amendments to operational programmes

# Standard procedure - cases

- *when no conditions and circumstances justify a simplified procedure*
- *when a simplified procedure would be justified by the content of the amendments but those*
  - result in new eligibility, or
  - imply a consequential revision of the Partnership Agreement or
  - include a transfer of technical assistance to the technical assistance at the initiative of the Commission.

## New eligibility

**Article 65(9) of the CPR:** *expenditure that becomes eligible as a result of an amendment to the OP shall only be eligible from the date of submission of the request for amendment to the Commission*

### ***In case of the EMFF:***

- *a measure is newly included into the OP;*
- *in case of complex measures (involving several paragraphs or sub-paragraphs of the EMFF Regulation), the description of the measure is modified in a way that clearly differentiates which new activities are introduced.*

#### *Examples:*

- *measure "Article 48.1.a-d, f-h Productive investments in aquaculture"*
- *measure "Article 32 Health and safety (+ art. 44.1.b Inland fishing)"*

## Consequential revision of PA

**Article 30(2) of the CPR:** *Where the amendment of a programme affects the information provided in the Partnership Agreement in accordance with points (a)(iii), (iv) and (vi) of Article 15(1)), the approval of the amendment of the programme by the Commission shall at the same time constitute an approval for the consequential revision of the information in the Partnership Agreement.*

- *Article 15(1)(a)(iii): selected thematic objectives, and for each of the selected objectives a summary of the main results expected for each of the ESIF;*
- *Article 15(1)(a)(iv): the indicative allocation of support by TO at national level by each of the ESIF;*
- *Article 15(1)(a)(vi): the list of programmes;*

## Transfer of TA

**Article 25 of the CPR** allows Member States with temporary budgetary difficulties to transfer part of their technical assistance resources to the technical assistance at the initiative of the Commission

- *conditions on how the Member State should request such a transfer:*
  - a specific (separate) request should be submitted
  - the transfer may be requested only for 1 calendar year
  - the request should be submitted by 31 January in the year when the transfer is supposed to be made;
  - the request is accompanied by an amended OP and a revised Partnership Agreement. The latter shall set out the total amount transferred each year to the Commission

*Extension of the geographical scope of Article 25 is currently under discussion in Council and EP along COM proposal [COM (2015) 701 final]*

## **Standard procedure – the procedure (COM decision)**

### ***Procedure set out in Article 30(2) of the CPR:***

- 1. MS submits the request for amendment in SFC2014;*
- 2. COM may make observations within 1 month of the submission;*
- 3. MS shall provide all necessary additional information;*
- 4. COM shall approve the request for amendment no later than 3 months from submission of the request (provided that any of the observations have been adequately taken into account).*



# Simplified procedure - conditions

- ✓ *requested amendments fall under any of the **cases listed in Article 22(2)** of the EMFF Regulation;*
- ✓ *the request **ONLY includes amendments that fall under Article 22(2)** of the EMFF Regulation;*
- ✓ *the **MS has explicitly asked for** the simplified procedure;*
- ✓ *The request for amendment **does not include** any of the followings:*
  - ✓ *Consequential revision of the PA*
  - ✓ *Transfer of TA (article 25 of CPR)*
  - ✓ *New eligibility (article 65(9) of CPR)*

# Simplified procedure – cases (I)

1. *Amendments to OPs concerning a transfer of funds between Union priorities not exceeding 10% of the amount allocated to the Union priority*
  - !! *The ceiling of 10% should refer to both the donor and to the recipient UP*
  - !! *Careful with Article 13(8)*
2. *Amendments to OPs concerning the introduction or withdrawal of measures or types of relevant operations and related information and indicators*
  - !! *May imply the consequential revision of the PA*
  - !! *May result in new eligibility*

## Simplified procedure – cases (II)

3. *Amendments to OPs concerning changes in the description of measures, including changes of eligibility conditions*
  - !! *May result in new eligibility*
  
4. *Amendments related to changes in the priorities of Union in the enforcement and control policy, as well as in the case of any other amendments to the section of the OP on control (section 12)*
  - !! *May result in new eligibility*

# Simplified procedure – the procedure

- 1. Submission in SFC2014 (request + revised OP + any other document you may consider helpful)*
- 2. COM may make observation within 25 wd*
  - If observation sent, procedure will follow "standard procedure"
  - If NO observation sent, the amendments are deemed to be approved (MS will receive a short complimentary notification)



**Thank you for your attention!**