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ANNEX I

COMMON STRATEGIC FRAMEWORK

1. INTRODUCTION

In order to promote the harmonious, balanced and sustainable development of the Union and to maximise the contribution of the ESI Funds to the Union strategy for smart, sustainable and inclusive growth as well as the Fund-specific missions of the ESI Funds, including economic, social and territorial cohesion, it is necessary to ensure that policy commitments made in the context of the Union strategy for smart, sustainable and inclusive growth are underpinned by investment through the ESI Funds and other Union instruments. The Common Strategic Framework (CSF) shall therefore, in accordance with Article 10, and in compliance with the priorities and objectives laid down in the Fund-specific Regulations, provide strategic guiding principles in order to achieve an integrated development approach using the ESI Funds coordinated with other Union instruments and policies, in line with the policy objectives and headline targets of the Union strategy for smart, sustainable and inclusive growth and, where appropriate, the flagship initiatives, while taking into account the key territorial challenges and specific national, regional and local contexts.

2. CONTRIBUTION OF ESI FUNDS TO THE UNION STRATEGY FOR SMART, SUSTAINABLE AND INCLUSIVE GROWTH AND COHERENCE WITH THE UNION'S ECONOMIC GOVERNANCE

1. To support effective targeting of smart, sustainable and inclusive growth in the Partnership Agreements and programmes this Regulation identifies eleven thematic objectives, set out in the first paragraph of Article 9, corresponding to the priorities of the Union strategy for smart, sustainable and inclusive growth which shall receive support from the ESI Funds.
2. In line with the thematic objectives set out in the first paragraph of Article 9, Member States shall, in order to ensure critical mass necessary to deliver growth and jobs, concentrate support in accordance with Article 18 of this Regulation and with the Fund-specific rules on thematic concentration, and shall ensure the effectiveness of spending. Member States shall give particular attention to prioritising growth-friendly expenditure, including spending on education, research, innovation and energy efficiency and expenditure to facilitate the access of SMEs to finance, and to ensure environmental sustainability, and the management of natural resources and climate action as well as to modernise public administration. They shall also take account of maintaining or reinforcing the coverage and effectiveness of employment services and active labour market policies in order to combat unemployment, with a focus on youth and tackle the social consequences of the crisis, and promote social inclusion.
3. To ensure consistency with priorities established in the context of the European Semester, in preparing their Partnership Agreements, Member States shall plan the use of the ESI Funds taking into account the National Reform Programmes, where appropriate, and the most recent relevant country-specific recommendations adopted in accordance with Article 121(2) TFEU and relevant Council recommendations adopted in accordance with Article 148(4) TFEU in accordance with their respective roles and obligations. Member States, where necessary, shall also take into account relevant Council recommendations based on the Stability and Growth Pact and the economic adjustment programmes.

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4. In order to determine the way in which the ESI Funds can most effectively contribute to the Union strategy for smart, sustainable and inclusive growth, and to take account of the Treaty objectives, including economic, social and territorial cohesion, Member States shall select the thematic objectives for the planned use of the ESI Funds within the appropriate national, regional and local contexts.
3. INTEGRATED APPROACH TO AND ARRANGEMENTS FOR THE USE OF THE ESI FUNDS
 - 3.1 Introduction
 1. In accordance with point (a) of Article 15(2) the Partnership Agreement shall indicate an integrated approach to territorial development. Member States shall ensure that the selection of thematic objectives and investment and Union priorities addresses development needs and territorial challenges in an integrated manner in line with the analysis set out in section 6.4. Member States shall seek to make maximum use of the possibilities for ensuring coordinated and integrated delivery of the ESI funds.
 2. Member States and, where appropriate in accordance with Article 4(4), regions shall ensure that the interventions supported through the ESI Funds are complementary and are implemented in a coordinated manner with a view to creating synergies, in order to reduce the administrative cost and burden for managing bodies and beneficiaries in accordance with Articles 4, 15 and 27.
 - 3.2 Coordination and complementarity
 1. Member States and managing authorities responsible for the implementation of the ESI Funds shall work closely together in the preparation, implementation, monitoring and evaluation of the Partnership Agreement and programmes. In particular, they shall ensure that the following actions are carried out:
 - (a) identify areas of intervention where the ESI Funds can be combined in a complementary manner to achieve the thematic objectives set out in this Regulation;
 - (b) ensure in accordance with Article 4(6), the existence of arrangements for the effective coordination of the ESI Funds in order to increase the impact and effectiveness of the Funds including, where appropriate, through the use of multi-fund programmes for the Funds;
 - (c) promote the involvement of managing authorities responsible for other ESI Funds and relevant ministries in the development of support schemes to ensure coordination and synergies and to avoid overlaps;
 - (d) establish, where appropriate, joint monitoring committees for programmes implementing the ESI Funds, and the development of other joint management and control arrangements to facilitate coordination between authorities responsible for the implementation of the ESI Funds;
 - (e) make use of available joint eGovernance solutions, which may assist applicants and beneficiaries, and make the widest possible use of "one-stop shops", including for advice on the opportunities of support available through each of the ESI Funds;
 - (f) establish mechanisms to coordinate cooperation activities financed by the ERDF and the ESF with investments supported by the programmes under the Investment for growth and jobs goal;

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- (g) promote common approaches between ESI Funds with regard to guidance for the development of operations, calls for proposals and selection processes or other mechanisms to facilitate access to Funds for integrated projects;
- (h) encourage cooperation between managing authorities of different ESI Funds in the areas of monitoring, evaluation, management and control, and audit.

3.3 Encouraging integrated approaches

1. Member States shall, where appropriate, combine the ESI Funds into integrated packages at local, regional or national level, which are tailor-made to address specific territorial challenges in order to support the achievement of the objectives set out in the Partnership Agreement and programmes. This can be done using ITIs, Integrated operations, Joint Action Plans and community-led local development.
2. In accordance with Article 36 to achieve integrated use of thematic objectives, funding from different priority axes or operational programmes supported by the ESF, ERDF and Cohesion Fund may be combined under an ITI. Actions carried out under an ITI may be complemented with financial support from the programmes under the EAFRD or the EMFF respectively.
3. In accordance with the relevant provisions of the Fund-specific rules, to increase impact and effectiveness in a thematically coherent integrated approach a priority axis may concern more than one category of region, combine one or more complementary investment priorities from the ERDF, Cohesion Fund and ESF under one thematic objective and, in duly justified cases combine one or more complementary investment priorities from different thematic objectives in order to achieve the maximum contribution to that priority axis.
4. Member States shall promote, in accordance with their institutional and legal framework and with Article 32 the development of local and sub-regional approaches. Community-led local development shall be implemented in the context of a strategic approach to ensure that the 'bottom-up' definition of local needs takes account of priorities set at a higher level. Member States shall therefore define the approach to community-led local development in the EAFRD and, where appropriate, in the ERDF, the ESF or the EMFF in accordance with Article 15(2) and shall indicate in the Partnership Agreement the main challenges to be tackled in this way, the main objectives and priorities for community-led local development, the types of territories to be covered, the specific role to be attributed to local action groups in the delivery of strategies and the role envisaged for the EAFRD and where appropriate for the ERDF, the ESF or the EMFF in implementing community-led local development strategies in different types of territories such as rural, urban and coastal areas and the corresponding co-ordination mechanisms.

4. COORDINATION AND SYNERGIES BETWEEN ESI FUNDS AND OTHER UNION POLICIES AND INSTRUMENTS

Coordination by Member States as envisaged under this section shall apply in so far as a Member State intends to make use of support from the ESI Funds and other Union instruments in the relevant policy area. The Union programmes set out in this section do not constitute an exhaustive list.

4.1 Introduction

1. Member States and the Commission shall, in accordance with their respective responsibilities, take into consideration the impact of Union policies at national

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and regional level, and on social, economic and territorial cohesion with a view to fostering synergies and effective coordination and to identifying and promoting the most suitable means of using Union funds to support local, regional and national investment. Member States shall also ensure complementarity between Union policies and instruments and national, regional and local interventions.

2. Member States and the Commission shall, in accordance with Article 4(6) and with their respective responsibilities, ensure coordination between the ESI Funds and other relevant Union instruments at Union and Member State level. They shall take appropriate steps to ensure consistency, at programming and implementation stages, between interventions supported by the ESI Funds and the objectives of other Union policies. To this end, they shall seek to take into account the following aspects:

- (a) enhancing complementarities and synergies between different Union instruments at Union, national and regional level, both in the planning phase and during implementation;
- (b) optimise existing structures and where necessary, establish new structures that facilitate the strategic identification of priorities for the different instruments and structures for coordination at Union and national level that avoid duplication of effort and identify areas where additional financial support is needed;
- (c) make use of the potential to combine support from different instruments to support individual operations and work closely with those responsible for implementation at Union and national level to deliver coherent and streamlined funding opportunities for beneficiaries.

4.2 Coordination with the Common Agricultural Policy and the Common Fisheries Policy

1. The EAFRD is an integral part of the Common Agricultural Policy and complements the measures under the European Agricultural Guarantee Fund which provide direct support to farmers and support market measures. Member States shall therefore manage those interventions together so as to maximise synergies and the added value of Union support.
2. The EMFF aims to achieve the objectives of the reformed Common Fisheries Policy and of the Integrated Maritime Policy. Member States shall therefore make use of the EMFF to support efforts to improve data collection and strengthen control, and ensure that synergies are also sought in support of the priorities of Integrated Maritime Policy, such as marine knowledge, maritime spatial planning, integrated coastal zone management, integrated maritime surveillance, the protection of the marine environment and of biodiversity, and the adaptation to the adverse effects of climate change on coastal areas.

4.3 Horizon 2020 and other centrally managed Union programmes in the areas of research and innovation

1. Member States and the Commission shall have due regard to strengthening coordination, synergies and complementarities between the ESI Funds and Horizon 2020, the Programme for the Competitiveness of Enterprises and small and medium-sized enterprises (COSME) in accordance with Regulation (EU) No 1287/2013 of the European Parliament and of the Council⁽¹⁾, and other relevant centrally managed Union funding programmes while also establishing a clear division of areas of intervention between them.

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2. Member States shall develop national and/or regional 'smart specialisation' strategies in line with the National Reform Programme, where appropriate. Such strategies may take the form of or be included in a national or a regional research and innovation strategic policy framework for 'smart specialisation'. Smart specialisation strategies shall be developed through involving national or regional managing authorities and stakeholders such as universities and other higher education institutions, industry and social partners in an entrepreneurial discovery process. The authorities directly concerned by Horizon 2020 shall be closely associated with that process. Smart specialisation strategies shall include:
 - (a) "Upstream actions" to prepare regional R&I players to participate in Horizon 2020 ("stairways to excellence") to be developed, where necessary, through capacity-building. Communication and cooperation between Horizon 2020 national contact points and managing authorities of the ESI Funds shall be strengthened.
 - (b) "Downstream actions" to provide the means to exploit and diffuse R&I results, stemming from Horizon 2020 and preceding programmes, into the market with particular emphasis on creating an innovation-friendly environment for business and industry, including SMEs and in line with the priorities identified for the territories in the relevant smart specialisation strategy.
3. Member States shall encourage the use of the provisions in this Regulation that allow the ESI Funds to be combined with resources under Horizon 2020 in the relevant programmes used to implement parts of the strategies referred to in point 2. Joint support shall be provided to national and regional authorities for the design and implementation of such strategies, to identify opportunities for joint financing of R&I infrastructures of European interest, the promotion of international collaboration, methodological support through peer reviews, exchange of good practice, and training throughout regions.
4. Member States and, where appropriate under Article 4(4), regions, shall consider additional measures aimed at unlocking their potential for excellence in R&I, in a manner that is complementary to and creates synergies with Horizon 2020, in particular through joint funding. Those measures shall consist of:
 - (a) linking excellent research institutions and less developed regions as well as low-performing Research, Development and Innovation (RDI) Member States and regions to create new or upgrade existing centres of excellence in less developed regions as well as in low-performing RDI Member States and regions;
 - (b) building links in less developed regions as well as in low-performing RDI Member States and regions between innovative clusters of recognised excellence;
 - (c) establishing "ERA Chairs" to attract outstanding academics, in particular to less developed regions and low-performing RDI Member States and regions;
 - (d) supporting access to international networks for researchers and innovators who lack sufficient involvement in the European Research Area (ERA) or are from less developed regions or low-performing RDI Member States and regions;
 - (e) contributing as appropriate to the European Innovation Partnerships;
 - (f) preparing national institutions and/or clusters of excellence for participation in the Knowledge and Innovation Communities (KICs) of the European Institute of Innovation and Technology (EIT); and

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- (g) hosting high-quality international researcher mobility programmes with co-funding from the "Marie Skłodowska-Curie Actions".

Member States shall endeavour to use where appropriate, and in accordance with Article 70, the flexibility to support operations outside the programme area, with a level of investment sufficient to attain a critical mass, in order to implement the measures referred to in the first subparagraph as effectively as possible.

4.4 New Entrants Reserve (NER) 300 demonstration funding⁽²⁾

Member States shall ensure that financing from the ESI Funds is coordinated with support from the NER 300 Programme, which uses the revenues from auctioning 300 million allowances reserved under the new entrants reserve of the European Emissions Trading Scheme.

4.5 Programme for the Environment and Climate Action (LIFE)⁽³⁾ and the environmental acquis

1. Member States and the Commission shall, through a stronger thematic focus in programmes and the application of the principle of sustainable development in accordance with Article 8, seek to exploit synergies with Union policy instruments (both funding and non-funding instruments) serving climate change mitigation and adaptation, environmental protection and resource efficiency.
2. Member States shall promote and, where appropriate and in accordance with Article 4, ensure complementarity and coordination with LIFE, in particular with integrated projects in the areas of nature, biodiversity, water, waste, air, climate change mitigation and adaptation. Such coordination shall be achieved through measures such as promoting the funding of activities through the ESI Funds that complement integrated projects under LIFE as well as by promoting the use of solutions, methods and approaches validated under LIFE, inter alia, including investments in green infrastructure, energy efficiency, eco-innovation, ecosystem-based solutions, and the adoption of related innovative technologies.
3. The relevant sectoral plans, programmes or strategies (including the Prioritised Action Framework, the River Basin Management Plan, the Waste Management Plan, the mitigation plan or adaptation strategy) may serve as the coordination framework, where support is envisaged for the areas concerned.

4.6 ERASMUS +⁽⁴⁾

1. Member States shall seek to use ESI Funds to mainstream tools and methods developed and tested successfully under "Erasmus +" in order to maximise the social and economic impact of investment in people and, inter alia give impetus to youth initiatives and citizens actions.
2. Member States shall promote and ensure in accordance with Article 4, effective coordination between ESI Funds and 'Erasmus +' at national level through a clear distinction in the types of investment and target groups supported. Member States shall seek complementarity with regard to the funding of mobility actions.
3. Coordination shall be achieved by putting in place appropriate cooperation mechanisms between managing authorities and the national agencies established under the 'Erasmus +' programme, which can foster transparent and accessible communication towards citizens at Union, national and regional level.

4.7 European Union Programme for Employment and Social Innovation (EaSI)⁽⁵⁾

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1. Member States shall promote and ensure in accordance with Article 4(6) effective coordination between the European Union Programme for Employment and Social Innovation (EaSI) and the support provided by the ESI Funds under the employment and social inclusion thematic objectives. That effective coordination includes coordination of support provided under the EURES axis of the EaSI with actions to enhance transnational labour mobility supported by the ESF in order to promote workers' geographical mobility and boost employment opportunities, as well as coordination between the ESI Funds' support for self-employment, entrepreneurship, business creation and social enterprises and the EaSI support under the microfinance and social entrepreneurship axis.
2. Member States shall seek to scale-up the most successful measures developed under the Progress axis of the EaSI, notably on social innovation and social policy experimentation with the support of the ESF.
- 4.8 Connecting Europe Facility (CEF)⁽⁶⁾
 1. To maximise European added value in the fields of transport, telecommunication and energy, Member States and the Commission shall ensure that ERDF and Cohesion Fund interventions are planned in close cooperation with the support provided from the CEF, so as to ensure complementarity, avoid duplication of efforts and ensure the optimal linkage of different types of infrastructure at local, regional and national levels, and across the Union. Maximum leverage of the different funding instruments shall be ensured for projects with a Union and Internal Market dimension, which deliver the highest European added-value, and promote social economic and territorial cohesion, in particular those projects implementing the priority transport, energy and digital infrastructure networks as identified in the respective trans-European network policy frameworks, in order to build new infrastructure and substantially upgrade existing infrastructure.
 2. In the field of transport, investment planning shall be based on real and projected transport demand and identify missing links and bottlenecks, taking into account, in a coherent approach, the development of Union cross border links, and developing links across regions within a Member State. Investments in regional connectivity to the comprehensive trans-European transport network (TEN-T) and to the core TEN-T network shall ensure that urban and rural areas benefit from the opportunities created by major networks.
 3. Prioritisation of investments which have an impact beyond a certain Member State, particularly those which are part of the core TEN-T network corridors, shall be coordinated with TEN-T planning and core network corridors implementation plans, so that investments by the ERDF and the Cohesion Fund in transport infrastructure are fully in line with the TEN-T Guidelines.
 4. Member States shall focus on sustainable forms of transport and sustainable urban mobility and on investing in areas that offer the greatest European added value, taking into account the need to improve the quality, accessibility and reliability of transport services to promote public transport. Once identified, investments shall be prioritised according to their contribution to mobility, sustainability, to reducing greenhouse gas emissions, and to the Single European Transport Area, in accordance with the vision set out in the White Paper entitled "Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system", highlighting that a significant reduction in greenhouse gases is required in the transport sector. The contribution of projects to sustainable European freight transport networks through

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the development of inland waterways should be promoted on the basis of a prior assessment of their environmental impact.

5. The ESI Funds shall deliver the local and regional infrastructures and their linkages to the priority Union networks in the energy and telecommunication areas.

6. Member States and the Commission shall put in place appropriate coordination and technical support mechanisms to ensure the complementarity and effective planning of ICT measures to make full use of the different Union instruments (ESI Funds, CEF, Trans-European networks, Horizon 2020) for the financing of broadband networks and the digital service infrastructures. The selection of the most appropriate financing instrument shall take into account the revenue generating potential of the operation and its level of risk in order to make the most effective use of public funds. In the context of their evaluation of applications for support from the ESI Funds, Member States should have regard to the evaluations of operations relating to those that have been submitted for CEF but not selected, without prejudice to the final selection decision by the managing authority.

4.9 Instrument for Pre-accession Assistance, European Neighbourhood Instrument and European Development Fund

1. Member States and the Commission shall, in accordance with their respective responsibilities, seek to increase coordination between external instruments and the ESI Funds to improve effectiveness in achieving multiple Union policy objectives. Coordination and complementarities with the European Development Fund, the Pre Accession Instrument and the European Neighbourhood Instrument is particularly important.

2. To support deeper territorial integration, Member States shall seek to capitalise on synergies between territorial cooperation activities under cohesion policy and the European Neighbourhood Instruments, in particular with regard to cross border cooperation activities, taking account of the potential offered by EGTCs.

5. HORIZONTAL PRINCIPLES REFERRED TO IN ARTICLES 5, 7 AND 8 AND CROSS-CUTTING POLICY OBJECTIVES

5.1 Partnership and multi-level governance

1. In accordance with Article 5, the principle of partnership and multi-level governance shall be respected by Member States in order to facilitate achieving social, economic and territorial cohesion and delivery of the Union's priorities of smart, sustainable and inclusive growth. In order to respect those principles coordinated action is required, in particular between the different levels of governance, carried out in accordance with the principles of subsidiarity and proportionality, including by means of operational and institutional cooperation, with regard to the preparation and implementation of the Partnership Agreement and programmes.

2. Member States shall examine the need for strengthening the institutional capacity of partners in order to develop their potential in contributing to the effectiveness of the partnership.

5.2 Sustainable development

1. Member States and managing authorities shall, in all phases of implementation, ensure the full mainstreaming of sustainable development into the ESI Funds, respecting the principle of sustainable development as laid down in Article 3(3) TEU, as well

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as complying with the obligation to integrate environmental protection requirements pursuant to Article 11 TFEU and the polluter pays principle as set out in Article 191(2) TFEU.

Managing authorities shall undertake actions throughout the programme lifecycle, to avoid or reduce environmentally harmful effects of interventions and ensure results in net social, environmental and climate benefits. Actions to be undertaken may include the following:

- (a) directing investments towards the most resource-efficient and sustainable options;
 - (b) avoiding investments that may have a significant negative environmental or climate impact, and supporting actions to mitigate any remaining impacts;
 - (c) taking a long-term perspective when 'life-cycle' costs of alternative options for investment are compared;
 - (d) increasing the use of green public procurement.
2. Member States shall take into consideration the climate change mitigation and adaptation potential of investments made with the support of the ESI Funds, in accordance with Article 8, and ensure that they are resilient to the impact of climate change and natural disasters such as increased risks of flooding, droughts, heat waves, forest fires and extreme weather events.
 3. Investments shall be consistent with the water management hierarchy, in line with Directive 2000/60/EC of the European Parliament and of the Council⁽⁷⁾, with a focus on demand management options. Alternative supply options shall only be considered when the potential for water savings and efficiency has been exhausted. Public intervention in the waste management sector shall complement efforts by the private sector, in particular in relation to producer responsibility. Investments shall encourage innovative approaches that promote high levels of recycling. Investments shall be consistent with the waste hierarchy established under Directive 2008/98/EC of the European Parliament and of the Council⁽⁸⁾. Expenditure related to biodiversity and the protection of natural resources shall be consistent with Council Directive 92/43/EEC⁽⁹⁾.
- 5.3 Promotion of equality between men and women and non-discrimination
1. In accordance with Article 7, Member States and the Commission shall pursue the objective of equality between men and women and shall take appropriate steps to prevent any discrimination during the preparation, implementation, monitoring and evaluation of operations in the programmes co-financed by the ESI Funds. When pursuing the objectives of Article 7, Member States shall describe actions to be taken, in particular with regard to selection of operations, setting of objectives for interventions, and arrangements for monitoring and reporting. Member States shall also carry out gender analyses where appropriate. In particular, specific targeted actions shall be supported through the ESF.
 2. Member States shall ensure, in accordance with Articles 5 and 7, the participation of the relevant bodies responsible for promoting gender equality and non-discrimination in the partnership, and ensure adequate structures in accordance with national practices to advise on gender equality, non-discrimination and accessibility in order to provide the necessary expertise in the preparation, monitoring and evaluation of the ESI Funds.

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3. Managing authorities shall undertake evaluations or self-assessment exercises, in coordination with the monitoring committees, focusing on the application of the gender mainstreaming principle.
 4. Member States shall address, in an appropriate manner, the needs of disadvantaged groups in order to allow them to better integrate into the labour market, and thereby facilitate their full participation in society.
- 5.4 Accessibility
1. Member States and the Commission shall, in accordance with Article 7, take appropriate steps to prevent any discrimination based on disability. Managing authorities shall ensure by means of action throughout programme lifecycles that all products, goods, services and infrastructures that are open or provided to the public and are co-financed by the ESI Funds are accessible to all citizens including those with disabilities in accordance with applicable law, thereby contributing to a barrier-free environment for persons with disabilities and the elderly. In particular, accessibility to the physical environment, transport, ICT in order to promote inclusion of disadvantaged groups, including persons with disabilities, shall be ensured. Actions to be undertaken may include directing investments towards accessibility in existing buildings and established services.
- 5.5 Addressing demographic change
1. The challenges resulting from demographic change, including in particular those related to a shrinking working population, an increasing proportion of retired people in the overall population and to depopulation, shall be taken into account at all levels. Member States shall make use of the ESI Funds, in line with relevant national or regional strategies, where such strategies are in place, to tackle demographic problems and to create growth linked to an ageing society.
 2. Member States shall use the ESI Funds, in line with relevant national or regional strategies to facilitate inclusion of all age groups, including through improved access to education and social support structures with a view to enhancing job opportunities for the elderly and young people and with a focus on regions with high rates of youth unemployment in comparison to the Union average rate. Investments in health infrastructures shall be aimed at ensuring a long and healthy working life for all of the Union's citizens.
 3. To address challenges in the regions most affected by demographic change, Member States shall in particular identify measures to:
 - (a) support demographic renewal through better conditions for families and an improved balance between working and family life;
 - (b) boost employment, raise productivity and economic performance through investing in education, ICT and research and innovation;
 - (c) focus on the adequacy and quality of education, training and social support structures as well as where appropriate, on the efficiency of social protection systems;
 - (d) promote cost-effective provision of health care and long-term care including investment in e-health, e-care and infrastructure.
- 5.6 Climate change mitigation and adaptation

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In accordance with Article 8, climate change mitigation and adaptation, and risk prevention shall be integrated in the preparation and implementation of Partnership Agreements and programmes.

6. ARRANGEMENTS FOR ADDRESSING KEY TERRITORIAL CHALLENGES

- 6.1 Member States shall take account of geographic or demographic features and take steps to address the specific territorial challenges of each region to unlock their specific development potential, thereby also helping them to achieve smart, sustainable and inclusive growth in the most efficient way.
- 6.2 The choice and combination of thematic objectives, as well as the selection of corresponding investment and Union priorities and the specific objectives set shall reflect the needs and potential for smart, sustainable and inclusive growth of each Member State and region.
- 6.3 When preparing Partnership Agreements and programmes Member States shall therefore take into consideration that the major societal challenges faced by the Union today – globalisation, demographic change, environmental degradation, migration, climate change, energy use, the economic and social consequences of the crisis – may have different impacts in different regions.
- 6.4 With a view to an integrated territorial approach to addressing territorial challenges Member States shall ensure that programmes under the ESI Funds reflect the diversity of European regions, in terms of employment and labour market characteristics, interdependencies between different sectors, commuting patterns, population ageing and demographic shifts, cultural, landscape and heritage features, climate change vulnerabilities and impacts, land use and resource constraints, potential for more sustainable use of natural resources including renewables, institutional and governance arrangements, connectivity and accessibility, and linkages between rural and urban areas. In accordance with point (a) of Article 15(1), Member States and regions shall therefore undertake the following steps for the purpose of preparation of their Partnership Agreements and programmes:
- (a) An analysis of the Member State's or region's characteristics, development potential and capacity, particularly in relation to the key challenges identified in the Union strategy for smart, sustainable and inclusive growth, the National Reform Programmes, where appropriate, relevant country-specific recommendations adopted in accordance with Article 121(2) TFEU and in relevant Council recommendations adopted in accordance with Article 148(4) TFEU;
 - (b) An assessment of the major challenges to be addressed by the region or Member State, the identification of the bottlenecks and missing links, innovation gaps, including the lack of planning and implementation capacity that inhibit the long-term potential for growth and jobs. This shall form the basis for the identification of the possible fields and activities for policy prioritisation, intervention and concentration;
 - (c) An assessment of the cross-sectoral, cross-jurisdictional or cross-border coordination challenges, particularly in the context of macro-regional and sea-basin strategies;
 - (d) Identification of steps to achieve improved coordination across different territorial levels, taking account of the appropriate territorial scale and context for policy design as well as Member States' institutional and legal framework, and sources of funding to deliver an integrated approach linking the Union strategy for smart, sustainable and inclusive growth with regional and local actors.

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- 6.5 In order to take into account the objective of territorial cohesion, the Member States and regions shall, in particular, ensure that the overall approach to promoting smart, sustainable and inclusive growth in the areas concerned:
- (a) reflects the role of cities, urban and rural areas, fisheries and coastal areas, and areas facing specific geographical or demographic handicaps;
 - (b) takes account of the specific challenges of the outermost regions, the northernmost regions with a very low population density and of island, cross-border or mountain regions;
 - (c) addresses urban-rural linkages, in terms of access to affordable, high quality infrastructure and services, and problems in regions with a high concentration of socially marginalised communities.
7. COOPERATION ACTIVITIES
- 7.1 Coordination and complementarity
1. Member States shall seek complementarity between cooperation activities and other actions supported by the ESI Funds.
 2. Member States shall ensure that cooperation activities make an effective contribution to the objectives of the Union strategy for smart, sustainable and inclusive growth and that cooperation is organised in support of wider policy goals. To achieve this Member States and the Commission shall, in accordance with their respective responsibilities, ensure complementarity and coordination with other Union-funded programmes or instruments.
 3. To reinforce the effectiveness of cohesion policy Member States shall seek coordination and complementarity between programmes under the European territorial cooperation goal and the Investment for growth and jobs goal, in particular to ensure coherent planning and facilitate the implementation of large-scale investment.
 4. Member States shall, where appropriate, ensure that the objectives of macro-regional and sea-basin strategies form part of the overall strategic planning, in Partnership Agreements, in accordance with Article 15(2) of this Regulation, and in programmes in the regions and Member States concerned in accordance with the relevant provisions of the Fund-specific rules. Member States shall seek also to ensure that where macro-regional and sea basin strategies have been put in place, the ESI Funds support their implementation in accordance with Article 15(2) of this Regulation and the relevant provisions of the Fund-specific rules and in line with the needs of the programme area identified by the Member States. To ensure efficient implementation there shall also be coordination with other Union-funded instruments and other relevant instruments.
 5. Member States shall, where appropriate, make use of the possibility of carrying out interregional and transnational actions with beneficiaries located in at least one other Member State within the framework of the operational programmes under the Investment for growth and jobs goal, including on the implementation of relevant research and innovation measures emanating from their 'smart specialisation' strategies.
 6. Member States and regions shall make the best use of territorial cooperation programmes in overcoming barriers to cooperation beyond administrative borders, while contributing to the Union strategy for smart, sustainable and inclusive growth

Status: Point in time view as at 16/12/2017.

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as well as strengthening economic, social and territorial cohesion. In this context, particular attention shall be paid to the regions covered by Article 349 TFEU.

7.2 Cross-border, transnational and interregional cooperation under the ERDF

1. Member States and regions shall seek to make use of cooperation to achieve critical mass, inter alia, in the field of ICT and research and innovation, and also to promote the development of joint smart specialisation approaches and partnerships among educational institutions. Interregional cooperation shall, where appropriate, include fostering cooperation between innovative research-intensive clusters and exchanges between research institutions taking into consideration the experience of "Regions of Knowledge" and "Research Potential in Convergence and Outermost Regions" under the Seventh Framework Programme for Research.
2. Member States and regions shall, in the areas concerned, seek to draw on cross-border and transnational cooperation to:
 - (a) ensure that areas that share major geographical features (islands, lakes, rivers, sea basins or mountain ranges) support the joint management and promotion of their natural resources;
 - (b) exploit the economies of scale that can be achieved, in particular with regard to investment related to the shared use of common public services;
 - (c) promote coherent planning and development of cross-border network infrastructure, in particular missing cross-border links, and environmentally friendly and interoperable transport modes in larger geographical areas;
 - (d) achieve critical mass, particularly in the field of research and innovation and ICT, education and in relation to measures improving the competitiveness of SMEs;
 - (e) strengthen cross-border labour market services to foster the mobility of workers across borders;
 - (f) improve cross-border governance.
3. Member States and regions shall seek to make use of interregional cooperation to reinforce the effectiveness of Cohesion Policy by encouraging exchange of experience between regions and cities to enhance design and implementation of programmes under the Investment for growth and jobs goal and the European territorial cooperation goal.

7.3 Contribution of mainstream programmes to macro-regional and sea-basin strategies

1. In accordance with point (a)(ii) of Article 15(2) of this Regulation and the relevant provisions of the Fund-specific rules Member States shall seek to ensure successful mobilisation of Union funding for macro-regional and sea-basin strategies in line with the needs of the programme area identified by the Member States. Ensuring successful mobilisation may be done, among other actions, by prioritising operations deriving from macro-regional and sea-basin strategies by organising specific calls for them or giving priority to these operations in the selection process through identification of operations which can be jointly financed from different programmes.
2. Member States shall consider making use of relevant transnational programmes as frameworks to support the range of policies and funds needed to implement macro-regional and sea-basin strategies.

Status: Point in time view as at 16/12/2017.

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3. Member States shall promote, where appropriate, the use of ESI Funds in the context of macro-regional strategies, for the creation of European transport corridors, including supporting modernisation of customs, the prevention, preparedness and response to natural disasters, water management at river basin level, green infrastructure, integrated maritime cooperation across borders and sectors, R&I and ICT networks and management of shared marine resources in the sea basin and protection of marine biodiversity.
- 7.4 Transnational cooperation under the ESF
 1. Member States shall seek to address policy areas identified in the relevant Council recommendations in order to maximise mutual learning.
 2. Member States shall, where appropriate, select the themes for transnational activities and establish appropriate implementation mechanisms in accordance with their specific needs.

ANNEX II

METHOD FOR ESTABLISHING THE PERFORMANCE FRAMEWORK

1. The performance framework shall consist of milestones established for each priority, with the exception of priorities dedicated to technical assistance and programmes dedicated to financial instruments in accordance with Article 39, for the year 2018 and targets established for 2023. The milestones and targets shall be presented in accordance with the format set out in table 1.

Table 1: Standard format for the performance framework

Priority	[^{X1} Indicator or, where appropriate, key implementation step and measurement unit]		Milestone for 2018	Target for 2023

2. Milestones are intermediate targets, directly linked to the achievement of the specific objective of a priority, where appropriate, expressing the intended progress towards the targets set for the end of the period. Milestones established for 2018 shall include financial indicators, output indicators and, where appropriate result indicators, which are closely linked to the supported policy interventions. Result indicators shall not be taken into account for the purposes of Article 22(6) and (7). Milestones may also be established for key implementation steps.

Status: Point in time view as at 16/12/2017.

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3. Milestones and targets shall be:
 - (a) realistic, achievable, relevant, capturing essential information on the progress of a priority;
 - (b) consistent with the nature and character of the specific objectives of the priority;
 - (c) transparent, with objectively verifiable targets and the source data identified and, where possible, publicly available;
 - (d) verifiable, without imposing a disproportionate administrative burden;
 - (e) consistent across programmes, where appropriate.
4. The targets for 2023 for a given priority shall be established taking into account the amount of performance reserve related to the priority.
5. In duly justified cases, such as a significant change in the economic, environmental and labour market conditions in a Member State or region, and in addition to amendments resulting from changes in allocations for a given priority, that Member State may propose the revision of milestones and targets in accordance with Article 30.

ANNEX III

PROVISIONS FOR DETERMINING THE SCOPE AND THE LEVEL OF SUSPENSION OF COMMITMENTS OR PAYMENTS REFERRED TO IN ARTICLE 23(11)

1. DETERMINING THE LEVEL OF SUSPENSION OF COMMITMENTS

The maximum level of suspension applied to a Member State shall in the first instance be determined taking into account the ceilings set out in points (a) to (c) of the third subparagraph of Article 23(11). That level shall be reduced if one or more of the following apply:

- (a) where the unemployment rate in the Member State for the year preceding the trigger event referred to in Article 23(9) exceeds the average rate for the Union by more than two percentage points, the maximum level of suspension shall be reduced by 15 %;
- (b) where the unemployment rate in the Member State for the year preceding the trigger event referred to in Article 23(9) exceeds the average rate for the Union by more than five percentage points, the maximum level of suspension shall be reduced by 25 %;
- (c) where the unemployment rate in the Member State for the year preceding the trigger event referred to in Article 23(9) exceeds the average rate for the Union by more than eight percentage points, the maximum level of suspension shall be reduced by 50 %;
- (d) where the proportion of people at risk of poverty or social exclusion in the Member State exceeds the average for the Union by more than 10 percentage points for the year preceding the trigger event referred to in Article 23(9), the maximum level of suspension shall be reduced by 20 %;
- (e) where the Member State experiences a contraction of real GDP for two or more consecutive years preceding the trigger event referred to in Article 23(9), the maximum level of suspension shall be reduced by 20 %;

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- (f) where the suspension concerns commitments for the years 2018, 2019 or 2020, a reduction shall be applied to the level resulting from the application of Article 23(11) as follows:
- (i) for the year 2018, the level of suspension shall be reduced by 15 %;
 - (ii) for the year 2019, the level of suspension shall be reduced by 25 %;
 - (iii) for the year 2020, the level of suspension shall be reduced by 50 %.

The reduction in the level of suspension resulting from the application of points (a) to (f) shall not exceed in total 50 %.

In the event that the situation described in point (b) or (c) occurs simultaneously with both points (d) and (e), the effect of the suspension shall be postponed by one year.

2. DETERMINING THE SCOPE OF SUSPENSION OF COMMITMENTS ACROSS PROGRAMMES AND PRIORITIES

A suspension of commitments applied to a Member State shall in the first instance proportionally affect all programmes and priorities.

However, the following programmes and priorities shall be excluded from the scope of the suspension:

- (i) programmes or priorities which are already subject to a suspension decision adopted in accordance with Article 23(6);
- (ii) programmes or priorities whose resources are to be increased as a result of a reprogramming request addressed by the Commission in accordance with Article 23(1) in the year of the trigger event referred to in Article 23(9);
- (iii) programmes or priorities whose resources have been increased within the two years preceding the trigger event referred to in Article 23(9) as a result of a decision adopted in accordance with Article 23(5);
- (iv) programmes or priorities which are of critical importance to addressing adverse economic or social conditions. Such programmes or priorities shall cover programmes or priorities supporting investments of particular importance to the Union related to the YEI. Programmes or priorities may be considered of such critical importance when they support investments related to the implementation of recommendations addressed to the Member State concerned in the framework of the European Semester and aimed at structural reforms, or related to priorities supporting poverty reduction or to financial instruments for the competitiveness of SMEs.

3. DETERMINING THE FINAL LEVEL OF SUSPENSION OF COMMITMENTS FOR THE PROGRAMMES FALLING WITHIN THE SCOPE OF THE SUSPENSION

The exclusion of a priority within a programme shall be carried out by reducing the commitment of the programme pro rata to the allocation to the priority.

The level of suspension to be applied to the commitments of the programmes shall be that which is necessary to reach the aggregate level of suspension determined under point 1.

4. DETERMINING THE SCOPE AND THE LEVEL OF SUSPENSION OF PAYMENTS

Status: Point in time view as at 16/12/2017.

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The programmes and priorities referred to under point 2(i) to (iv) shall also be excluded from the scope of suspension of payments.

The level of suspension to be applied shall not exceed 50 % of the payments of programmes and priorities.

ANNEX IV

IMPLEMENTATION OF FINANCIAL INSTRUMENTS: FUNDING AGREEMENTS

1. Where a financial instrument is implemented under points (a) and (b) of Article 38(4), the funding agreement shall include the terms and conditions for making contributions from the programme to the financial instrument and shall include at least the following elements:
 - (a) the investment strategy or policy including implementation arrangements, financial products to be offered, final recipients targeted, and envisaged combination with grant support (as appropriate);
 - (b) a business plan or equivalent documents for the financial instrument to be implemented, including the expected leverage effect referred to in Article 37(2);
 - (c) the target results that the financial instrument concerned is expected to achieve to contribute to the specific objectives and results of the relevant priority;
 - (d) provisions for monitoring of the implementation of investments and of deal flows including reporting by the financial instrument to the fund of funds and/or the managing authority to ensure compliance with Article 46;
 - (e) audit requirements, such as minimum requirements for documentation to be kept at the level of the financial instrument (and at the level of the fund of funds where appropriate), and requirements in relation to the maintenance of separate records for the different forms of support in compliance with Article 37(7) and (8) (where applicable), including provisions and requirements regarding access to documents by audit authorities of Member States, Commission auditors and the European Court of Auditors in order to ensure a clear audit trail, in accordance with Article 40;
 - (f) requirements and procedures for managing the phased contribution provided by the programme in accordance with Article 41 and for the forecast of deal flows, including requirements for fiduciary/separate accounting as set out in Article 38(6);
 - (g) requirements and procedures for managing interest and other gains generated as referred to in Article 43, including acceptable treasury operations/investments, and the responsibilities and liabilities of the parties concerned;
 - (h) provisions regarding the calculation and payment of management costs incurred or of the management fees of the financial instrument;
 - (i) [^{X1}provisions regarding the re-use of resources attributable to the support from the ESI Funds until the end of the eligibility period in compliance with Article 44;]
 - (j) [^{X1}provisions regarding the re-use of resources attributable to the support of the ESI Funds after the end of the eligibility period in compliance with Article 45 and a policy regarding the exit of those resources from the financial instrument;]

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- (k) conditions for a possible total or partial withdrawal of programme contributions from programmes to financial instruments, including the fund of funds where applicable;
- (l) provisions to ensure that bodies implementing financial instruments manage financial instruments with independence and in accordance with the relevant professional standards, and act in the exclusive interest of the parties providing contributions to the financial instrument;
- (m) provisions for the winding-up of the financial instrument.

In addition, where financial instruments are organised through a fund of funds, the funding agreement between the managing authority and the body that implements the fund of funds must also provide for the appraisal and selection of bodies implementing the financial instruments, including calls for expression of interest or public procurement procedures.

2. Strategy documents referred to under Article 38(8) for financial instruments implemented under point (c) of Article 38(4) shall include at least the following elements:
 - (a) [^{X1}the investment strategy or policy of the financial instrument, general terms and conditions of envisaged loan or guarantees, target final recipients and actions to be supported;]
 - (b) a business plan or equivalent documents for the financial instrument to be implemented, including the expected leverage effect referred to in Article 37(2);
 - (c) [^{X1}the re-use of resources attributable to the support of the ESI Funds in accordance with Articles 44 and 45;]
 - (d) monitoring and reporting of the implementation of the financial instrument to ensure compliance with Article 46.

ANNEX V

DEFINITION OF FLAT-RATES FOR NET-REVENUE GENERATING PROJECTS

	Sector	Flat rates
1	ROAD	30 %
2	RAIL	20 %
3	URBAN TRANSPORT	20 %
4	WATER	25 %
5	SOLID WASTE	20 %

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[^{F1}ANNEX VI

ANNUAL BREAKDOWN OF COMMITMENT APPROPRIATIONS FOR THE YEARS 2014 TO 2020

Textual Amendments

F1 Substituted by Regulation (EU) 2017/2305 of the European Parliament and of the Council of 12 December 2017 amending Regulation (EU) No 1303/2013 as regards the changes to the resources for economic, social and territorial cohesion and to the resources for the Investment for growth and jobs goal and for the European territorial cooperation goal.

Adjusted annual profile (including the YEI top-up)

	2014	2015	2016	2017	2018	2019	2020	Total
EUR, 2011 prices	34 108 069 924	55 725 174 682	46 044 910 736	48 027 317 164	48 240 419 297	48 712 359 314	49 120 150 341	329 978 401 458]

ANNEX VII

ALLOCATION METHODOLOGY

Allocation method for the less developed regions eligible under the Investment for growth and jobs goal, referred to in point (a) of the first subparagraph of Article 90(2)

1. Each Member State's allocation shall be the sum of the allocations for its individual eligible NUTS level 2 regions, calculated in accordance with the following steps:
 - (a) determination of an absolute amount (in EUR) obtained by multiplying the population of the region concerned by the difference between that region's GDP per capita, measured in PPS, and the EU-27 average GDP per capita (in PPS);
 - (b) application of a percentage to the above absolute amount in order to determine that region's financial envelope; this percentage shall be graduated to reflect the relative prosperity, measured in PPS, as compared to the EU-27 average, of the Member State in which the eligible region is situated, i.e.:
 - (i) for regions in Member States whose level of GNI per capita is below 82 % of the EU-27 average: 3,15 %;
 - (ii) for regions in Member States whose level of GNI per capita is between 82 % and 99 % of the EU-27 average: 2,70 %;
 - (iii) for regions in Member States whose level of GNI per capita is over 99 % of the EU-27 average: 1,65 %;
 - (c) to the amount obtained in accordance with point (b) is added, if applicable, an amount resulting from the allocation of a premium of EUR 1 300 per unemployed person per year, applied to the number of persons unemployed in that region exceeding the number that would be unemployed if the average unemployment rate of all the EU less developed regions applied.

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Allocation method for transition regions eligible under the Investment for growth and jobs goal, referred to in point (b) of the first subparagraph of Article 90(2)

2. Each Member State's allocation shall be the sum of the allocations for its individual eligible NUTS level 2 regions, calculated in accordance with the following steps:
 - (a) determination of the minimum and maximum theoretical aid intensity for each eligible transition region. The minimum level of support is determined by the average per capita aid intensity per Member State before the application of the regional safety net, allocated to the more developed regions of that Member State. If the Member State has no more developed regions, the minimum level of support will correspond to the initial average per capita aid intensity of all more developed regions, i.e. EUR 19,80 per head and per year. The maximum level of support refers to a theoretical region with a GDP per head of 75 % of the EU-27 average and is calculated using the method defined in points (a) and (b) of paragraph 1. Of the amount obtained by this method, 40 % is taken into account;
 - (b) calculation of initial regional allocations, taking into account regional GDP per capita (in PPS) through a linear interpolation of the region's relative GDP per capita compared to EU-27;
 - (c) to the amount obtained in accordance with point (b) is added, if applicable, an amount resulting from the allocation of a premium of EUR 1 100 per unemployed person per year, applied to the number of persons unemployed in that region exceeding the number that would be unemployed if the average unemployment rate of all the less developed regions applied.

Allocation method for the more developed regions eligible under the Investment for growth and jobs goal, referred to in point (c) of the first subparagraph of Article 90(2)

3. The total initial theoretical financial envelope shall be obtained by multiplying an aid intensity per head and per year of EUR 19,80 by the eligible population.
4. The share of each Member State concerned shall be the sum of the shares of its eligible NUTS level 2 regions, which are determined on the basis of the following criteria, weighted as indicated:
 - (a) total regional population (weighting 25 %);
 - (b) number of unemployed people in NUTS level 2 regions with an unemployment rate above the average of all more developed regions (weighting 20 %);
 - (c) employment to be added to reach the Union strategy for smart, sustainable and inclusive growth target for regional employment rate (ages 20 to 64) of 75 % (weighting 20 %);
 - (d) number of persons aged 30 to 34 with tertiary educational attainment to be added to reach the Union strategy for smart, sustainable and inclusive growth target of 40 % (weighting 12,5 %);
 - (e) number of early leavers from education and training (aged 18 to 24) to be subtracted to reach the Union strategy for smart, sustainable and inclusive growth target of 10 % (weighting 12,5 %);
 - (f) difference between the observed GDP of the region (measured in PPS), and the theoretical regional GDP if the region were to have the same GDP per head as the most prosperous NUTS level 2 region (weighting 7,5 %);

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- (g) population of NUTS level 3 regions with a population density below 12,5 inhabitants/km² (weighting 2,5 %).

Allocation method for the Member States eligible for the Cohesion Fund under Article 90(3)

5. The total theoretical financial envelope shall be obtained by multiplying the average aid intensity per head and per year of EUR 48 by the eligible population. Each eligible Member State's a priori allocation of this theoretical financial envelope corresponds to a percentage based on its population, surface area and national prosperity, and shall be obtained by applying the following steps:
- (a) calculation of the arithmetical average of that Member State's population and surface area shares of the total population and surface area of all the eligible Member States. If, however, a Member State's share of total population exceeds its share of total surface area by a factor of five or more, reflecting an extremely high population density, only the share of total population will be used for this step;
- (b) adjustment of the percentage figures so obtained by a coefficient representing one third of the percentage by which that Member State's GNI per capita (measured in purchasing power parities) for the period 2008-2010 exceeds or falls below the average GNI per capita of all the eligible Member States (average expressed as 100 %).
6. In order to reflect the significant needs of Member States, which acceded to the Union on or after 1 May 2004, in terms of transport and environment, their share of the Cohesion Fund will be set at a minimum of one third of their total final financial allocation after capping as defined in paragraphs 10 to 13 received on average over the period.
7. The allocation from the Cohesion Fund for the Member States defined in the second subparagraph of Article 90(3) shall be digressive over seven years. This transitional support will be of EUR 48 per capita in 2014, applied to the total population of the Member State. The amounts in the following years will be expressed as a percentage of the amount defined for 2014, the percentages being 71 % in 2015, 42 % in 2016, 21 % in 2017, 17 % in 2018, 13 % in 2019 and 8 % in 2020.

Allocation method for the European territorial cooperation goal referred to in Article 4 of the ETC Regulation

8. The allocation of resources by Member State, covering cross-border and transnational cooperation, and including the contribution from the ERDF to the European Neighbourhood Instrument and the Instrument for Pre-Accession Assistance, is determined as the weighted sum of the share of the population of border regions and of the share of the total population of each Member State. The weight is determined by the respective shares of the cross-border and transnational strands. The shares of the cross border and transnational cooperation components are 77,9 % and 22,1 %.

Allocation method of the additional funding for regions referred to in point (e) of Article 92(1)

9. An additional special allocation corresponding to an aid intensity of EUR 30 per inhabitant per year will be allocated to the outermost NUTS level 2 regions and the northern sparsely populated NUTS level 2 regions. That allocation will be distributed per region and Member State in a manner proportional to the total population of those regions.

Maximum level of transfers from funds supporting cohesion

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10. In order to contribute to achieving adequate concentration of cohesion funding on the least developed regions and Member States and to the reduction of disparities in average per capita aid intensities, the maximum level of transfer (capping) from the Funds to each individual Member State will be 2,35 % of the GDP of the Member State. The capping will be applied on an annual basis, subject to adjustments necessary to accommodate the frontloading of the YEI, and will - if applicable - proportionally reduce all transfers (except for the more developed regions and European territorial cooperation goal) to the Member State concerned in order to obtain the maximum level of transfer. For Member States which acceded to the Union before 2013 and whose average real GDP growth 2008-2010 was lower than -1 %, the maximum level of transfer will be 2,59 %.
11. The ceilings referred to in paragraph 10 above include the contributions from the ERDF to the financing of the cross-border strand of the European Neighbourhood Instrument and of the Instrument for Pre-Accession Assistance. Those ceilings do not include the specific allocation of EUR 3 000 000 000 for the YEI.
12. Calculations of GDP by the Commission will be based on the statistics available in May 2012. Individual national growth rates of GDP for 2014 to 2020, as projected by the Commission in May 2012, will be applied for each Member State separately.
13. The rules described in paragraph 10 shall not result in allocations per Member State higher than 110 % of their level in real terms for the 2007-2013 programming period.

Additional provisions

14. For all regions whose GDP per capita (in PPS) was used as an eligibility criterion for the 2007-2013 programming period and was less than 75 % of the EU-25 average, but whose GDP per capita is above 75 % of the EU-27 average, the minimum level of support in 2014-2020 under the Investment for growth and jobs goal will correspond every year to 60 % of their former indicative average annual allocation under the Convergence allocation, calculated by the Commission within the multiannual financial framework 2007-2013.
15. No transition region shall receive less than what it would have received if it had been a more developed region. In order to determine the level of this minimum allocation, the allocation distribution method for more developed regions will be applied to all regions having a GDP per capita of at least 75 % of the EU-27 average.
16. The minimum total allocation from the Funds for a Member State shall correspond to 55 % of its individual 2007-2013 total allocation. The adjustments needed to fulfil this requirement shall be applied proportionally to the allocations from the Funds, excluding the allocations under the European territorial cooperation goal.
17. To address the effects of the economic crisis on Member States within the euro area on their level of prosperity, and in order to boost growth and job creation in these Member States, the Structural Funds will provide the following additional allocations:
 - (a) EUR 1 375 000 000 for the more developed regions of Greece;
 - (b) EUR 1 000 000 000 for Portugal, distributed as follows: EUR 450 000 000 for more developed regions, of which EUR 150 000 000 for Madeira, EUR 75 000 000 for the transition region and EUR 475 000 000 for the less developed regions;
 - (c) EUR 100 000 000 for the Border, Midland and Western region of Ireland;

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- (d) EUR 1 824 000 000 for Spain, of which EUR 500 000 000 for Extremadura, EUR 1 051 000 000 for the transition regions and EUR 273 000 000 for the more developed regions;
 - (e) EUR 1 500 000 000 for the less developed regions of Italy, out of which EUR 500 000 000 for non-urban areas.
18. In order to recognise the challenges posed by the situation of island Member States and the remoteness of certain parts of the Union, Malta and Cyprus shall receive, after applying the method of calculation referred to in paragraph 16, an additional envelope of EUR 200 000 000 and EUR 150 000 000 respectively under the Investment for growth and jobs goal and distributed as follows: one third for the Cohesion Fund and two thirds for the Structural Funds.

The Spanish regions of Ceuta and Melilla shall be allocated an additional total envelope of EUR 50 000 000 under the Structural Funds.

The outermost region of Mayotte shall be allocated a total envelope of EUR 200 000 000 under the Structural Funds.

19. To facilitate the adjustment of certain regions either to changes in their eligibility status or to the long-lasting effects of recent developments in their economy the following additional allocations are made:
- (a) for Belgium EUR 133 000 000, out of which EUR 66 500 000 for Limburg and EUR 66 500 000 for the transition regions of the Region of Wallonia;
 - (b) for Germany EUR 710 000 000, out of which EUR 510 000 000 for the former Convergence regions in the transition regions' category and EUR 200 000 000 for the Leipzig region;
 - (c) notwithstanding paragraph 10, the less developed regions of Hungary will be allocated an additional envelope of EUR 1 560 000 000, the less developed regions of the Czech Republic an additional envelope of EUR 900 000 000 and the less developed region of Slovenia an additional envelope of EUR 75 000 000, under the Structural Funds.
20. A total of EUR 150 000 000 will be allocated for the PEACE programme, of which EUR 106 500 000 for the United Kingdom and EUR 43 500 000 for Ireland. That programme will be implemented as a cross-border cooperation programme involving Northern Ireland and Ireland.

Additional adjustments in accordance with Article 92(2)

21. In addition to the amounts set out in Articles 91 and 92, Cyprus shall benefit from an additional allocation of EUR 94 200 000 in 2014 and EUR 92 400 000 in 2015 to be added to its Structural Funds allocation.

ANNEX VIII

METHODOLOGY CONCERNING THE SPECIFIC ALLOCATION FOR THE YEI REFERRED TO IN ARTICLE 91

I. The breakdown of the specific allocation for the YEI shall be determined in accordance with the following steps:

Status: Point in time view as at 16/12/2017.

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1. The number of young unemployed persons between the ages of 15-24 shall be identified in the eligible NUTS level 2 regions as defined in Article 16 of the ESF Regulation, namely NUTS level 2 regions that have youth unemployment rates for young persons aged 15 to 24 of more than 25 % in 2012 and, for Member States where the youth unemployment rate has increased by more than 30 % in 2012, regions that have youth unemployment rates of more than 20 % in 2012 (the 'eligible regions').
2. The allocation corresponding to each eligible region shall be calculated on the basis of the ratio between the number of young unemployed persons in the eligible region and the total number of young unemployed persons referred to in point 1 in all eligible regions.
3. The allocation for each Member State shall be the sum of the allocations for each of its eligible regions.
- II. The specific allocation for the YEI shall not be taken into account for the purpose of applying the capping rules set out in Annex VII in relation to the allocation of the global resources.
- III. For the determination of the specific allocation from the YEI to Mayotte, the youth unemployment rate and number of young unemployed persons shall be determined on the basis of the latest available data at national level as long as Eurostat data at NUTS level 2 are not available.
- IV. The resources for the YEI may be revised upwards for the years 2016 to 2020 in the framework of the budgetary procedure in accordance with Article 14 of Regulation (UE, Euratom) No 1311/2013. The breakdown by Member State of the additional resources shall follow the same steps as applied for the initial allocation but shall refer to the latest available annual data.

ANNEX IX

METHODOLOGY FOR DETERMINING MINIMUM SHARE OF THE ESF

The additional percentage share to be added to the share of Structural Funds resources referred to in Article 92(4) allocated in a Member State to the ESF which corresponds to the share of that Member State for the 2007-2013 programming period shall be determined as follows, based on employment rates (for persons between the ages of 20-64) of reference year 2012:

- where the employment rate is 65 % or less the share shall be increased by 1,7 percentage points;
- where the employment rate is above 65 % but not higher than 70 % the share shall be increased by 1,2 percentage points;
- where the employment rate is above 70 % but not higher than 75 % the share shall be increased by 0,7 percentage points;
- where the employment rate is above 75 %, no increase shall be required.

The total percentage share of a Member State after the addition shall not exceed 52 % of Structural Funds resources referred to in Article 92(4).

For Croatia the share of Structural Funds resources, excluding the European Territorial Cooperation goal, allocated to the ESF for the 2007-2013 programming period shall be the average share of convergence regions of those Member States which acceded to the Union on or after 1 January 2004.

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ANNEX X

ADDITIONALITY

1. PUBLIC OR EQUIVALENT STRUCTURAL EXPENDITURE

In Member States in which less developed regions cover at least 65 % of the population, the figure on gross fixed capital formation reported in the Stability and Convergence Programmes, prepared by Member States in accordance with Regulation (EC) No 1466/97 to present their medium term budgetary strategy, will be used to determine public or equivalent structural expenditure. The figure to be used shall be that reported in the context of the general government balance and debt and related to general government budgetary prospects and shall be presented as a percentage of GDP.

In those Member States in which less developed regions cover more than 15 % and less than 65 % of the population, the total figure on gross fixed capital formation in the less developed regions will be used to determine public or equivalent structural expenditure. It shall be reported in the same format as laid down in the first subparagraph.

2. VERIFICATION

Verifications of additionality in accordance with Article 95(5) are subject to the following rules:

2.1 Ex ante verification

- (a) When a Member State submits a Partnership Agreement, it shall provide information on the planned profile of expenditure in the format of Table 1.

Table 1

	2014	2015	2016	2017	2018	2019	2020
Expenditure of the General Government as a share of GDP							
P51	X	X	X	X	X	X	X

- (b) Member States, in which less developed regions cover more than 15 % and less than 65 % of the population, shall also provide information on the planned profile of expenditure in those less developed regions in the format of Table 2.

Table 2

	2014	2015	2016	2017	2018	2019	2020
Gross Fixed Capital Formation of the General Government in the less	X	X	X	X	X	X	X

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Table 2

developed regions as a share of GDP							

- (c) Member States shall provide to the Commission information on the main macroeconomic indicators and forecasts underlying the level of public or equivalent structural expenditure.
- (d) Member States, in which less developed regions cover more than 15 % and less than 65 % of the population, shall also provide to the Commission information on the method used to estimate gross fixed capital formation in those regions. For this purpose, Member States shall use regional level public investment data where available. In the event that such data is not available, or in other duly justified cases, including where a Member State for the period 2014-2020 has significantly changed the regional breakdown as defined in Regulation (EC) No 1059/2003, gross fixed capital formation can be estimated by applying regional public expenditure indicators or regional population to national level public investment data.
- (e) Once there is agreement by the Commission and the Member State, Table 1 and, where applicable, Table 2 will be included in the Partnership Agreement of the Member State concerned as the reference level of the public or equivalent structural expenditure to be maintained in the years 2014-2020.

2.2 Mid-term verification

- (a) At the time of the mid-term verification, a Member State shall be deemed to have maintained the level of public or equivalent structural expenditure if the annual average of expenditure in the years 2014-2017 is equal to or higher than the reference level of expenditure set in the Partnership Agreement.
- (b) Following the mid-term verification, the Commission may revise, in consultation with a Member State, the reference level of public or equivalent structural expenditure in the Partnership Agreement if the economic situation of the Member State has significantly changed from that estimated at the time of adoption of the Partnership Agreement.

2.3 Ex post verification

At the time of the ex post verification, a Member State shall be deemed to have maintained the level of public or equivalent structural expenditure if the annual average of expenditure in the years 2014-2020 is equal to or higher than the reference level of expenditure set in the Partnership Agreement.

3. FINANCIAL CORRECTION RATES FOLLOWING EX POST VERIFICATION

Where the Commission decides to carry out a financial correction in accordance with Article 95(6), the rate of financial correction shall be obtained by subtracting 3 % from the difference between the reference level in the Partnership Agreement and the level achieved, expressed as a percentage of the reference level, and then dividing the result by 10. The financial correction shall be determined by applying that rate of financial correction to the Funds' contribution to the Member State concerned for the less developed regions for the full programming period.

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If the difference between the reference level in the Partnership Agreement and the level achieved, expressed as a percentage of the reference level in the Partnership Agreement, is 3 % or less, no financial correction shall be made.

The financial correction shall not exceed 5 % of the Funds' allocation to the Member State concerned for the less developed regions for the full programming period.

ANNEX XI

EX ANTE CONDITIONALITIES

PART I: Thematic ex ante conditionalities

Thematic objectives	Investment priorities	Ex ante conditionality	Criteria for fulfilment
1. Strengthening research, technological development and innovation (R&D target) (referred to in point (1) of the first paragraph of Article 9)	ERDF: — All investment priorities under thematic objective no. 1.	1.1. Research and innovation: The existence of a national or regional smart specialisation strategy in line with the National Reform Program, to leverage private research and innovation expenditure, which complies with the features of well-performing national or regional R&I systems.	— A national or regional smart specialisation strategy is in place that: — is based on a SWOT or similar analysis to concentrate resources on a limited set of research and innovation priorities; outlines measures to stimulate private RTD investment; contains a

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				—	monitoring mechanism. A framework outlining available budgetary resources for research and innovation has been adopted.		
	ERDF: —	Enhancing research and innovation (R&I) infrastructure and capacities to develop R&I excellence, and promoting centres of competence, in particular those of European interest.	1.2	Research and Innovation infrastructure. The existence of a multi-annual plan for budgeting and prioritisation of investments.	—	An indicative multi-annual plan for budgeting and prioritisation of investments linked to Union priorities, and, where appropriate, the European Strategy Forum on Research Infrastructures (ESFRI) has been adopted.	
2.	Enhancing access to, and use and quality of, information and communication technologies (ICT) (Broadband target)	ERDF: — —	Developing ICT products and services, e-commerce, and enhancing demand for ICT. Strengthening ICT	2.1.	Digital growth: A strategic policy framework for digital growth to stimulate affordable, good quality and interoperable	—	A strategic policy framework for digital growth, for instance, within the national or regional smart specialisation strategy is

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(referred to in point (2) of the first paragraph of Article 9)	applications for e-government, e-learning, e-inclusion, e-culture and e-health.	ICT-enabled private and public services and increase uptake by citizens, including vulnerable groups, businesses and public administrations including cross border initiatives.	<p>—</p> <p>—</p> <p>—</p> <p>in place that contains: budgeting and prioritisation of actions through a SWOT or similar analysis consistent with the Scoreboard of the Digital Agenda for Europe; an analysis of balancing support for demand and supply of ICT should have been conducted; indicators to measure progress of interventions in areas such as digital literacy, e-inclusion, e-accessibility, and progress of e-health within the limits of Article 168 TFEU which are aligned, where appropriate, with existing relevant sectoral Union,</p>
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				national or regional strategies; assessment of needs to reinforce ICT capacity-building.
ERDF:	Extending broadband deployment and the roll-out of high-speed networks and supporting the adoption of emerging technologies and networks for the digital economy.	2.2.	Next Generation Network (NGN) Infrastructure: The existence of national or regional NGN Plans which take account of regional actions in order to reach the Union high-speed Internet access targets, focusing on areas where the market fails to provide an open infrastructure at an affordable cost and of a quality in line with the Union competition and State aid rules, and to provide accessible services to	<p>A national or regional NGN Plan is in place that contains:</p> <ul style="list-style-type: none"> a plan of infrastructure investments based on an economic analysis taking account of existing private and public infrastructures and planned investments; sustainable investment models that enhance competition and provide access to open, affordable, quality and future-proof infrastructure and services; measures to stimulate private investment.

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			vulnerable groups.	
3.	Enhancing the competitiveness of small and medium-sized enterprises (SMEs) (referred to in point (3) of the first paragraph of Article 9)	ERDF: — Promoting entrepreneurship, in particular by facilitating the economic exploitation of new ideas and fostering the creation of new firms, including through business incubators. Supporting the capacity of SMEs to grow in regional, national and international market, and to engage in innovation processes.	3.1. Specific actions have been carried out to underpin the promotion of entrepreneurship taking into account the Small Business Act (SBA).	— The specific actions are: measures have been put in place with the objective of reducing the time and cost involved in setting-up a business taking account of the targets of the SBA; measures have been put in place with the objective of reducing the time needed to get licenses and permits to take up and perform the specific activity of an enterprise taking account of the targets of the SBA; a mechanism is in place to monitor the implementation of the measures of the SBA which have been put in

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				place and assess the impact on SMEs.
4.	Supporting the shift towards a low-carbon economy in all sectors (referred to in point (4) of the first paragraph of Article 9)	ERDF + Cohesion Fund: — Supporting energy efficiency, smart energy management and renewable energy use in public infrastructure, including in public buildings, and in the housing sector.	4.1. Actions have been carried out to promote cost-effective improvements of energy end use efficiency and cost-effective investment in energy efficiency when constructing or renovating buildings.	— The actions are: — measures to ensure minimum requirements are in place related to the energy performance of buildings consistent with Article 3, Article 4 and Article 5 of Directive 2010/31/EU of the European Parliament and of the Council ^a ; — measures necessary to establish a system of certification of the energy performance of buildings consistent with Article 11 of Directive 2010/31/EU; — measures to ensure strategic planning on energy efficiency, consistent with

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			<p>— Article 3 of Directive 2012/27/EU of the European Parliament and of the Council^b; measures consistent with Article 13 of Directive 2006/32/EC of the European Parliament and of the Council^c on energy end-use efficiency and energy services to ensure the provision to final customers of individual meters in so far as it is technically possible, financially reasonable and proportionate in relation to the potential energy savings.</p>
<p>— ERDF + Cohesion Fund:</p>	<p>Promoting the use of high-efficiency co-</p>	<p>4.2. Actions have been carried out to promote high-efficiency co-</p>	<p>— The actions are: — Support for co-generation is based on useful heat</p>

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	generation of heat and power based on useful demand.	generation of heat and power.	demand and primary energy savings consistent with Article 7(1) and points (a) and (b) of Article 9(1) of Directive 2004/8/EC, Member States or their competent bodies have evaluated the existing legislative and regulatory framework with regard to authorisation procedures or other procedures in order to:
			(a) encourage the design of co-generation units to match economically justifiable demands for useful heat output and avoid production of more heat

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			(b) than useful heat; and reduce the regulatory and non-regulatory barriers to an increase in co-generation.
ERDF + Cohesion Fund: —	Promoting the production and distribution of energy derived from renewable sources.	4.3. Actions have been carried out to promote the production and distribution of renewable energy sources ^d .	— Transparent support schemes, priority in grid access or guaranteed access and priority in dispatching, as well as standard rules relating to the bearing and sharing of costs of technical adaptations which have been made public are in place consistent with Article 14(1), Article 16(2) and 16(3) of Directive 2009/28/EC of the European Parliament

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				—	and of the Council ^d . A Member State has adopted a national renewable energy plan consistent with Article 4 of Directive 2009/28/EC.
5.	Promoting climate change adaptation, risk prevention and management (Climate change target) (referred to in point (5) of the first paragraph of Article 9)	ERDF + Cohesion Fund: — Promoting investment to address specific risks, ensuring disaster resilience and developing disaster management systems.	5.1.	Risk prevention and risk management: the existence of national or regional risk assessments for disaster management, taking into account climate change adaptation	— A national or regional risk assessment with the following elements shall be in place: — a description of the process, methodology, methods, and non-sensitive data used for risk assessment as well as of the risk-based criteria for the prioritisation of investment; — a description of single-risk and multi-risk scenarios;

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				— taking into account, where appropriate, national climate change adaptation strategies.
6.	Preserving and protecting the environment and promoting resource efficiency (referred to in point (6) of the first paragraph of Article 9)	ERDF + Cohesion Fund: — Investing in the water sector to meet the requirements of the Union's environmental acquis and to address needs, identified by the Member States for investment that goes beyond those requirements.	6.1. Water sector: The existence of a) a water pricing policy which provides adequate incentives for users to use water resources efficiently and b) an adequate contribution of the different water uses to the recovery of the costs of water services at a rate determined in the approved river basin management plan for investment supported by the programmes.	— In sectors supported by the ERDF and the Cohesion Fund, a Member State has ensured a contribution of the different water uses to the recovery of the costs of water services by sector consistent with the first indent of Article 9(1) of Directive 2000/60/EC having regard, where appropriate, to the social, environmental and economic effects of the recovery as well as the geographic and climatic

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			<p>—</p> <p>conditions of the region or regions affected.</p> <p>The adoption of a river basin management plan for the river basin district consistent with Article 13 of Directive 2000/60/EC</p>
<p>ERDF + Cohesion Fund:</p> <p>—</p> <p>Investing in the waste sector to meet the requirements of the Union's environmental acquis and to address needs, identified by the Member States, for investment that goes beyond those requirements.</p>	<p>6.2.</p> <p>Waste sector: Promoting economically and environmentally sustainable investments in the waste sector particularly through the development of waste management plans consistent with Directive 2008/98/EC, and with the waste hierarchy.</p>	<p>—</p> <p>An implementation report as requested by Article 11(5) of Directive 2008/98/EC has been submitted to the Commission on progress towards meeting the targets set out in Article 11 of Directive 2008/98/EC.</p> <p>—</p> <p>The existence of one or more waste management plans as required under Article 28 of Directive 2008/98/EC;</p>	

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				— The existence of waste prevention programmes, as required under Article 29 of Directive 2008/98/EC; — Necessary measures to achieve the targets on preparation for re-use and recycling by 2020 consistent with Article 11(2) of Directive 2008/98/EC have been adopted.
7.	Promoting sustainable transport and removing bottlenecks in key network infrastructures (referred to in point (7) of the first paragraph of Article 9)	ERDF + Cohesion Fund: — Supporting a multimodal Single European Transport Area by investing in the TEN-T. — Developing and rehabilitating comprehensive, high quality and interoperable railway systems, and promoting noise-	7.1. Transport: The existence of a comprehensive plan or framework or frameworks for transport investment in accordance with the Member States' institutional set-up (including public transport at regional	— The existence of a comprehensive transport plan or plans or framework or frameworks for transport investment which complies with legal requirements for strategic environmental assessment and sets out: — the contribution to the

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	<p>— reduction measures. Developing and improving environmentally-friendly (including low-noise) and low-carbon transport systems, including inland waterways and maritime transport, ports, multimodal links and airport infrastructure, in order to promote sustainable regional and local mobility.</p> <p>ERDF: — Enhancing regional mobility by connecting secondary and tertiary nodes to TEN-T infrastructure, including multimodal nodes.</p>	<p>and local level) which supports infrastructure development and improves connectivity to the TEN-T comprehensive and core networks.</p>	<p>single European Transport Area consistent with Article 10 of Regulation (EU) No 1315/2013 of the European Parliament and of the Council^e, including priorities for investments in:</p> <p>— the core TEN-T network and the comprehensive network where investment from the ERDF and the Cohesion Fund is envisaged; and secondary connectivity;</p> <p>— a realistic</p>
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				and mature pipeline for projects for which support from the ERDF and the Cohesion Fund is envisaged;
—	ERDF + Cohesion Fund: — Supporting a multimodal Single European Transport Area by investing in the TEN-T. — Developing and rehabilitating comprehensive, high quality and interoperable railway systems, and promoting noise-reduction measures.	7.2.	Railway: The existence within the comprehensive transport plan or plans or framework or frameworks of a specific section on railway development in accordance with the Member States' institutional set-up (including concerning	— Measures to ensure the capacity of intermediary bodies and beneficiaries to deliver the project pipeline. — The existence of a section on railway development within the transport plan or plans or framework or frameworks as set out above which complies with legal requirements for strategic environmental assessment (SEA) and sets out a realistic and mature

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	<p>— Developing and improving environmentally-friendly (including low-noise) and low-carbon transport systems, including inland waterways and maritime transport, ports, multimodal links and airport infrastructure, in order to promote sustainable regional and local mobility.</p> <p>ERDF:</p> <p>— Enhancing regional mobility by connecting secondary and tertiary nodes to TEN-T infrastructure, including multimodal nodes.</p>		<p>public transport at regional and local level) which supports infrastructure development and improves connectivity to the TEN-T comprehensive and core networks. The investments cover mobile assets, interoperability and capacity-building.</p> <p>— project pipeline (including a timetable and budgetary framework); Measures to ensure the capacity of intermediary bodies and beneficiaries to deliver the project pipeline.</p>
<p>ERDF + Cohesion Fund:</p> <p>— Supporting a multimodal Single European Transport Area by</p>		<p>7.3. Other modes of transport, including inland-waterways and maritime transport,</p>	<p>— The existence of a section on inland-waterways and maritime transport, ports, multimodal</p>

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	<p>investing in the TEN-T. Developing and rehabilitating comprehensive, high quality and interoperable railway systems, and promoting noise-reduction measures.</p> <p>Developing and improving environmentally-friendly (including low-noise) and low-carbon transport systems, including inland waterways and maritime transport, ports, multimodal links and airport infrastructure, in order to promote sustainable regional and local mobility.</p> <p>ERDF:</p> <p>Enhancing regional mobility through connecting secondary</p>	<p>ports, multimodal links and airport infrastructure: the existence within the comprehensive transport plan or plans or framework or frameworks of a specific section on inland-waterways and maritime transport, ports, multimodal links and airport infrastructure, which contribute to improving connectivity to the TEN-T comprehensive and core networks and to promoting sustainable regional and local mobility.</p>	<p>links and airport infrastructure within the transport plan or plans or framework or frameworks which:</p> <p>— complies with legal requirements for strategic environmental assessment;</p> <p>— sets out a realistic and mature project pipeline (including a timetable and budgetary framework);</p> <p>— Measures to ensure the capacity of intermediary bodies and beneficiaries to deliver the project pipeline.</p>
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	and tertiary nodes to TEN-T infrastructure, including multimodal nodes.		
ERDF: —	Improving energy efficiency and security of supply through the development of smart energy distribution, storage and transmission systems and through the integration of distributed generation from renewable sources.	7.4 The existence of comprehensive plans for investments in smart energy infrastructure, and of regulatory measures, which contribute to improving energy efficiency and security of supply	— Comprehensive plans describing the national energy infrastructure priorities are in place that are: — in accordance with Article 22 of Directive 2009/72/EC and of Directive 2009/73/EC, where applicable, and consistent with the relevant regional investment plans under Article 12 and with the Union-wide ten-year network

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			<p>development plan in accordance with point (b) of Article 8(3) of Regulation (EC) No 714/2009 of the European Parliament and of the Council^f and with Regulation (EC) No 715/2009 of the European Parliament and of the Council^g, and compatible with Article 3(4) of Regulation (EU) No 347/2013 of the European Parliament</p>
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			<p>and of the Council^b;</p> <p>— Those plans shall contain:</p> <p>— a realistic and mature project pipeline for projects for which support from the ERDF is envisaged;</p> <p>— measures to achieve the objectives of social and economic cohesion and environmental protection, in line with Article 3(10) of Directive 2009/72/EC and Article 3(7) of Directive</p>
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				—	2009/73/EC; measures to optimise the use of energy and promote energy efficiency, in line with Article 3(11) of Directive 2009/72/EC and Article 3(8) of Directive 2009/73/EC.
8.	Promoting sustainable and quality employment and supporting labour mobility (Employment target) (referred to in point (8) of the first paragraph of Article 9)	ESF: — Access to employment for job-seekers and inactive people, including the long-term unemployed and people far from the labour market, also through local employment initiatives and support for labour mobility.	8.1.	Active labour market policies are designed and delivered in the light of the Employment guidelines.	— Employment services have the capacity to, and do, deliver: — personalised services and active and preventive labour market measures at an early stage, which are open

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			<p>to all jobseekers while focusing on people at highest risk of social exclusion, including people from marginalised communities; comprehensive and transparent information on new job vacancies and employment opportunities taking into account the changing needs of the labour market.</p> <p>— Employment services have set up formal or informal cooperation arrangements with relevant stakeholders.</p>
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	<p>ESF: — Self employment, entrepreneurship and business creation including innovative micro, small and medium-sized enterprises.</p> <p>ERDF: — Supporting the development of business incubators and investment support for self-employment, micro-enterprises and business creation.</p>	8.2.	Self-employment, entrepreneurship and business creation: the existence of a strategic policy framework for inclusive start-up.	<p>— A strategic policy framework for inclusive start-up support is in place with the following elements: measures have been put in place with the objective of reducing the time and cost involved in setting up a business, taking account of the targets of the SBA; measures have been put in place with the objective of reducing the time needed to get licenses and permits to take up and perform the specific activity of an enterprise, taking account of the targets of the SBA; actions linking suitable business development</p>
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			services and financial services (access to capital), including reaching out to disadvantaged groups, areas, or both, where needed.
ESF: —	Modernisation of labour market institutions, such as public and private employment services, and improving the matching of labour market needs, including through actions that enhance transnational labour mobility as well as through mobility schemes and better cooperation between institutions and relevant stakeholders.	8.3. Labour market institutions are modernised and strengthened in the light of the Employment Guidelines; Reforms of labour market institutions will be preceded by a clear strategic policy framework and ex ante assessment including with regard to the gender dimension	— Actions to reform employment services, aiming at providing them with the capacity to deliver: — personalised services and active and preventive labour market measures at an early stage, which are open to all jobseekers while focusing on people at highest risk of social exclusion, including
ERDF: —	Investing in infrastructure for		

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	employment services.		—	people from marginalised communities; comprehensive and transparent information on new job vacancies and employment opportunities taking into account the changing needs of the labour market.
ESF: —	Active and healthy ageing.	8.4.	Active and healthy ageing: Active ageing policies are designed in the light of the Employment Guidelines	— Relevant stakeholders are involved in the design and follow-up of active ageing policies with a view to retaining elderly workers on the labour

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				—	market and promoting their employment; A Member State has measures in place to promote active ageing.
ESF: —	Adaptation of workers, enterprises and entrepreneurs to change.	8.5.	Adaptation of workers, enterprises and entrepreneurs to change: The existence of policies aimed at favouring anticipation and good management of change and restructuring.	—	Instruments are in place to support social partners and public authorities to develop and monitor proactive approaches towards change and restructuring which include measures: to promote anticipation of change; to promote the preparation and management of the restructuring process.
ESF: —	Sustainable integration into the labour market of young people, in particular those not in employment,	8.6.	The existence of a strategic policy framework for promoting youth employment including	—	A strategic policy framework for promoting youth employment is in place that:

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	<p>education or training, including young people at risk of social exclusion and young people from marginalised communities, including through the implementation of the Youth Guarantee.</p>	<p>through the implementation of the Youth Guarantee.</p> <p>This ex ante conditionality applies only for implementation of the YEI</p>	<p>—</p> <p>is based on evidence that measures the results for young people not in employment, education or training and that represents a base to develop targeted policies and monitor developments;</p> <p>—</p> <p>identifies the relevant public authority in charge of managing youth employment measures and coordinating partnerships across all levels and sectors;</p> <p>—</p> <p>involves stakeholders that are relevant for addressing youth unemployment;</p> <p>—</p> <p>allows early intervention and activation;</p> <p>—</p> <p>comprises supportive measures for access to employment, enhancing skills,</p>
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				labour mobility and sustainable integration of young people not in employment, education or training into the labour market.
9.	Promoting social inclusion, combating poverty and any discrimination (poverty target) (referred to in point (9) of the first paragraph of Article 9)	<p>ESF: — Active inclusion, including with a view to promoting equal opportunities and active participation, and improving employability.</p> <p>ERDF: — Investing in health and social infrastructure which contributes to national, regional and local development, reducing inequalities in terms of health status, promoting social inclusion through improved access to social, cultural and</p>	9.1. The existence and the implementation of a national strategic policy framework for poverty reduction aiming at the active inclusion of people excluded from the labour market in the light of the Employment guidelines.	<p>— A national strategic policy framework for poverty reduction, aiming at active inclusion, is in place that:</p> <p>— provides a sufficient evidence base to develop policies for poverty reduction and monitor developments;</p> <p>— contains measures supporting the achievement of the national poverty and social exclusion target</p>

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	<p>recreational services and the transition from institutional to community-based services. Providing support for physical, economic and social regeneration of deprived communities in urban and rural areas.</p>		<p>(as defined in the National Reform Programme), which includes the promotion of sustainable and quality employment opportunities for people at the highest risk of social exclusion, including people from marginalised communities; involves relevant stakeholders in combating poverty; depending on the identified needs, includes measures for the shift from institutional to community</p>
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				<p>— based care;</p> <p>— Upon request and where justified, relevant stakeholders will be provided with support for submitting project applications and for implementing and managing the selected projects.</p>
<p>ESF: —</p> <p>Socio-economic integration of marginalised communities such as the Roma.</p> <p>ERDF: —</p> <p>Investing in health and social infrastructure which contributes to national, regional and local development, reducing inequalities in terms of health status, promoting social inclusion through improved</p>	<p>9.2.</p> <p>A national Roma inclusion strategic policy framework is in place</p>		<p>— A national Roma inclusion strategic policy framework is in place that:</p> <p>— sets achievable national goals for Roma integration to bridge the gap with the general population. These targets should address the four EU</p>	

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	<p>access to social, cultural and recreational services and the transition from institutional to community-based services.</p> <p>— Providing support for physical, economic and social regeneration of deprived communities in urban and rural areas.</p> <p>— Investing in education, training and vocational training for skills and lifelong learning by developing education and training infrastructure.</p>		<p>Roma integration goals relating to access to education, employment, healthcare and housing; identifies where relevant those disadvantaged micro-regions or segregated neighbourhoods, where communities are most deprived, using already available socio-economic and territorial indicators (i.e. very low educational level, long-term unemployment, etc); includes strong monitoring methods to evaluate the impact</p>
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			<p>of Roma integration actions and a review mechanism for the adaptation of the strategy;</p> <p>— is designed, implemented and monitored in close cooperation and continuous dialogue with Roma civil society, regional and local authorities.</p> <p>— Upon request and where justified, relevant stakeholders will be provided with support for submitting project applications and for implementing and managing</p>
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				the selected projects.
ESF:	<p>Enhancing access to affordable, sustainable and high-quality services, including health care and social services of general interest.</p> <p>Investing in health and social infrastructure which contributes to national, regional and local development, reducing inequalities in terms of health status, promoting social inclusion through improved access to social, cultural and recreational services and the transition from institutional to community-based services.</p>	9.3.	Health: The existence of a national or regional strategic policy framework for health within the limits of Article 168 TFEU ensuring economic sustainability.	—
ERDF:				—
				<p>A national or regional strategic policy framework for health is in place that contains:</p> <ul style="list-style-type: none"> — coordinated measures to improve access to health services; — measures to stimulate efficiency in the health sector, through deployment of service delivery models and infrastructure; — a monitoring and review system. <p>— A Member State or region has adopted a framework outlining available budgetary resources on an indicative basis and</p>

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				a cost-effective concentration of resources on prioritised needs for health care.
10.	Investing in education, training and vocational training for skills and lifelong learning (Education target) (referred to in point (10) of the first paragraph of Article 9)	ESF: — Reducing and preventing early school-leaving and promoting equal access to good quality early-childhood, primary and secondary education, including formal, non-formal and informal learning pathways for reintegrating into education and training. ERDF: — Investing in education, training and vocational training for skills and lifelong learning by developing education and training infrastructure.	10.1. Early school leaving: The existence of a strategic policy framework to reduce early school leaving (ESL) within the limits of Article 165 TFEU.	— A system for collecting and analysing data and information on ESL at relevant levels is in place that: — provides a sufficient evidence-base to develop targeted policies and monitors developments. — A strategic policy framework on ESL is in place that: — is based on evidence; — covers relevant educational sectors including early childhood development, targets in particular

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				vulnerable groups that are most at risk of ESL including people from marginalised communities, and addresses prevention, intervention and compensation measures; — involves all policy sectors and stakeholders that are relevant to addressing ESL.
ESF: —	Improving the quality and efficiency of, and access to, tertiary and equivalent education with a view to increasing participation and attainment levels, especially	10.2.	Higher education: the existence of a national or regional strategic policy framework for increasing tertiary education attainment, quality and efficiency within the	— A national or regional strategic policy framework for tertiary education is in place with the following elements: — where necessary, measures to increase participation and

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	<p>for disadvantaged groups.</p> <p>ERDF:</p> <p>— Investing in education, training and vocational training for skills and lifelong learning by developing education and training infrastructure.</p>	<p>limits of Article 165 TFEU.</p>	<p>attainment that:</p> <p>— increase higher education participation among low income groups and other under-represented groups with special regard to disadvantaged people, including people from marginalised communities;</p> <p>— reduce drop-out rates/ improve completion rates;</p> <p>— encourage innovative content and programme design;</p> <p>— measures to increase employability and entrepreneurship that:</p> <p>— encourage the development of "transversal skills",</p>
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				including entrepreneurship in relevant higher education programmes; reduce gender differences in terms of academic and vocational choices.
ESF: —	Enhancing equal access to lifelong learning for all age groups in formal, non-formal and informal settings, upgrading the knowledge, skills and competences of the workforce, and promoting flexible learning pathways including through career guidance and validation of acquired competences.	10.3.	Lifelong learning (LL): The existence of a national and/or regional strategic policy framework for lifelong learning within the limits of Article 165 TFEU.	— — A national or regional strategic policy framework for lifelong learning is in place that contains measures: to support the developing and linking services for LL, including their implementation and skills upgrading (i.e. validation, guidance, education and training) and providing for the involvement of, and partnership
ERDF: —	Investing in education,			

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	<p>training and vocational training for skills and lifelong learning by developing education and training infrastructure.</p>		<p>with relevant stakeholders; for the provision of skills development for various target groups where these are identified as priorities in national or regional strategic policy frameworks (for example young people in vocational training, adults, parents returning to the labour market, low skilled and older workers, migrants and other disadvantaged groups, in particular people with disabilities); to widen access to LL including through efforts to effectively implement transparency tools (for example the European</p>
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			<p>Qualifications Framework, National Qualifications Framework, European Credit system for Vocational Education and Training, European Quality Assurance in Vocational Education and Training);</p> <p>— to improve the labour market relevance of education and training and to adapt it to the needs of identified target groups (for example young people in vocational training, adults, parents returning to the labour market, low-skilled and older workers, migrants and other disadvantaged groups, in particular</p>
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			people with disabilities).
ESF: —	Improving the labour market relevance of education and training systems, facilitating the transition from education to work, and strengthening vocational education and training (VET) systems and their quality, including through mechanisms for skills anticipation, adaptation of curricula and the establishment and development of work-based learning systems, including dual learning systems and apprenticeship schemes.	10.4. The existence of a national or regional strategic policy framework for increasing the quality and efficiency of VET systems within the limits of Article 165 TFEU.	— A national or regional strategic policy framework is in place for increasing the quality and efficiency of VET systems within the limits of Article 165 TFEU which includes measures for the following: — to improve the labour market relevance of VET systems in close cooperation with relevant stakeholders including through mechanisms for skills anticipation, adaptation of curricula and the strengthening of work-based learning provision in its different forms;
ERDF: —	Investing in education, training and vocational training for		

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		skills and lifelong learning by developing education and training infrastructure		— to increase the quality and attractiveness of VET including through establishing a national approach for quality assurance for VET (for example in line with the, European Quality Assurance Reference Framework for Vocational Education and Training) and implementing the transparency and recognition tools, for example European Credit system for Vocational Education and Training. (ECVET).
11.	Enhancing institutional capacity of public authorities and stakeholders	ESF: — Investment in institutional capacity and in the efficiency of public	— The existence of a strategic policy framework for reinforcing	— A strategic policy framework for reinforcing a Member State's

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and efficient public administration (referred to in point (11) of the first paragraph of Article 9)	<p>ERDF: —</p> <p>administrations and public services at the national, regional and local levels with a view to reforms, better regulation and good governance.</p> <p>Enhancing institutional capacity of public authorities and stakeholders and efficient public administration through actions to strengthen the institutional capacity and the efficiency of public administrations and public services related to the implementation of the ERDF, and in support of actions under the ESF to strengthen the institutional capacity and the efficiency</p>	the Member States' administrative efficiency including public administration reform	<p>public authorities' administrative efficiency and their skills with the following elements are in place and in the process of being implemented: an analysis and strategic planning of legal, organisational and/or procedural reform actions; the development of quality management systems; integrated actions for simplification and rationalisation of administrative procedures; the development and implementation of human resources strategies and policies covering the main gaps identified in this field; the development of skills at</p>
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	<p>of public administration.</p> <p>— Cohesion Fund: Enhancing institutional capacity of public authorities and stakeholders and efficient public administration through actions to strengthen the institutional capacity and the efficiency of public administrations and public services related to the implementation of the Cohesion Fund.</p>		<p>all levels of the professional hierarchy within public authorities; the development of procedures and tools for monitoring and evaluation.</p>
a	Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (OJ L 153, 18.6.2010, p. 13).		
b	Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).		
c	Directive 2006/32/EC of the European Parliament and of the Council of 5 April 2006 on energy end-use efficiency and energy services and repealing Council Directive 93/76/EEC (OJ L 114, 27.4.2006, p. 64).		
d	Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ L 140, 5.6.2009, p. 16).		
e	Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1).		
f	Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003 (OJ L 211, 14.8.2009, p. 15).		
g	Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005 (OJ L 211, 14.8.2009, p. 36).		
h	Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009 (OJ L 115, 25.4.2013, p. 39).		

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PART II: General ex ante conditionalities

Area	Ex ante conditionality	Criteria for fulfilment
1. Anti-discrimination	The existence of administrative capacity for the implementation and application of Union anti-discrimination law and policy in the field of ESI Funds	<p>— Arrangements in accordance with the institutional and legal framework of Member States for the involvement of bodies responsible for the promotion of equal treatment of all persons throughout the preparation and implementation of programmes, including the provision of advice on equality in ESI fund-related activities;</p> <p>— Arrangements for training for staff of the authorities involved in the management and control of the ESI Funds in the fields of Union anti-discrimination law and policy.</p>
2. Gender	The existence of administrative capacity for the implementation and application of Union gender equality law and policy in the field of ESI Funds	<p>— Arrangements in accordance with the institutional and legal framework of Member States for the involvement of bodies responsible for gender equality throughout the preparation and implementation of programmes, including the</p>

a Council Decision of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities, (OJ L 23, 27.1.2010, p. 35)

b Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).

c Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.7.2001, p. 30).

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		<p>provision of advice on gender equality in ESI Fund-related activities;</p> <p>— Arrangements for training for staff of the authorities involved in the management and control of the ESI Funds in the fields of Union gender equality law and policy as well as on gender mainstreaming.</p>
3.	Disability	<p>— The existence of administrative capacity for the implementation and application of the United Nations Convention on the rights of persons with disabilities (UNCRPD) in the field of ESI Funds in accordance with Council Decision 2010/48/EC^a</p> <p>— Arrangements in accordance with the institutional and legal framework of Member States for the consultation and involvement of bodies in charge of protection of rights of persons with disabilities or representative organisations of persons with disabilities and other relevant stakeholders throughout the preparation and implementation of programmes;</p> <p>— Arrangements for training for staff of the authorities involved in the management and control of the ESI Funds in the</p>
a	Council Decision of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities, (OJ L 23, 27.1.2010, p. 35)	
b	Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).	
c	Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.7.2001, p. 30).	

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		<p>fields of applicable Union and national disability law and policy, including accessibility and the practical application of the UNCRPD as reflected in Union and national legislation, as appropriate;</p> <p>— Arrangements to ensure monitoring of the implementation of Article 9 of the UNCRPD in relation to the ESI Funds throughout the preparation and the implementation of the programmes.</p>
4.	Public procurement	<p>The existence of arrangements for the effective application of Union public procurement law in the field of the ESI Funds.</p> <p>— Arrangements for the effective application of Union public procurement rules through appropriate mechanisms;</p> <p>— Arrangements which ensure transparent contract award procedures;</p> <p>— Arrangements for training and dissemination of information for staff involved in the implementation of the ESI funds;</p> <p>— Arrangements to ensure administrative capacity for</p>
a	Council Decision of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities, (OJ L 23, 27.1.2010, p. 35)	
b	Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).	
c	Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.7.2001, p. 30).	

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		implementation and application of Union public procurement rules.
5.	State aid	<p>The existence of arrangements for the effective application of Union State aid rules in the field of the ESI Funds.</p> <p>— Arrangements for the effective application of Union State aid rules;</p> <p>— Arrangements for training and dissemination of information for staff involved in the implementation of the ESI funds;</p> <p>— Arrangements to ensure administrative capacity for implementation and application of Union State aid rules.</p>
6.	Environmental legislation relating to Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA)	<p>The existence of arrangements for the effective application of Union environmental legislation related to EIA and SEA.</p> <p>— Arrangements for the effective application of Directive 2011/92/EU of the European Parliament and of the Council^b (EIA) and of Directive 2001/42/EC of the European Parliament and of the Council^c (SEA);</p> <p>— Arrangements for training and dissemination of information for staff involved in the implementation of</p>

^a Council Decision of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities, (OJ L 23, 27.1.2010, p. 35)

^b Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).

^c Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.7.2001, p. 30).

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		—	the EIA and SEA Directives; Arrangements to ensure sufficient administrative capacity.
7.	Statistical systems and result indicators	—	Arrangements for timely collection and aggregation of statistical data with the following elements are in place: — the identification of sources and mechanisms to ensure statistical validation; — arrangements for publication and public availability of aggregated data; — An effective system of result indicators including: — the selection of result indicators for each programme providing information on what motivates the selection
a	Council Decision of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities, (OJ L 23, 27.1.2010, p. 35)		
b	Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).		
c	Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.7.2001, p. 30).		

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		<p>of policy actions financed by the programme; the establishment of targets for these indicators; the consistency of each indicator with the following requisites: robustness and statistical validation, clarity of normative interpretation, responsiveness to policy, timely collection of data;</p> <p>— Procedures in place to ensure that all operations financed by the programme adopt an effective system of indicators.</p>
a	Council Decision of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities, (OJ L 23, 27.1.2010, p. 35)	
b	Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).	
c	Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.7.2001, p. 30).	

ANNEX XII

INFORMATION AND COMMUNICATION ON SUPPORT FROM THE FUNDS

1. LIST OF OPERATIONS

Status: Point in time view as at 16/12/2017.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1303/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

The list of operations referred to in Article 115(2) shall contain, in at least one of the official languages of the Member State, the following data fields:

- beneficiary name (only of legal entities; no natural persons shall be named);
- operation name;
- operation summary;
- operation start date;
- operation end date (expected date for physical completion or full implementation of the operation);
- total eligible expenditure allocated to the operation;
- Union co-financing rate, as per priority axis;
- operation postcode; or other appropriate location indicator;
- country;
- name of category of intervention for the operation in accordance with point (b) (vi) of the first subparagraph of Article 96(2);
- date of last update of the list of operations.

The headings of the data fields shall be also provided in at least one other official language of the Union.

2. INFORMATION AND COMMUNICATION MEASURES FOR THE PUBLIC

The Member State, the managing authority and the beneficiaries shall take the steps necessary to provide information to, and communicate with, the public on operations supported by an operational programme in accordance with this Regulation.

2.1. Responsibilities of the Member State and the managing authority

1. The Member State and the managing authority shall ensure that the information and communication measures are implemented in accordance with the communication strategy and that those measures aim for the widest possible media coverage using various forms and methods of communication at the appropriate level.
2. The Member State or the managing authority shall be responsible for at least the following information and communication measures:
 - (a) organising a major information activity publicising the launch of the operational programme or programmes, even prior to the approval of the relevant communication strategies;
 - (b) organising one major information activity a year which promotes the funding opportunities and the strategies pursued and presents the achievements of the operational programme or programmes, including, where relevant, major projects, joint action plans and other project examples;
 - (c) displaying the Union emblem at the premises of each managing authority;
 - (d) publishing electronically the list of operations in accordance with Section 1 of this Annex;
 - (e) giving examples of operations, by operational programme, on the single website or on the operational programme's website that is accessible through the single website portal; the examples should be in a widely spoken official language of the Union other than the official language or languages of the Member State concerned;

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- (f) updating information about the operational programme's implementation, including, when appropriate, its main achievements, on the single website or on the operational programme's website that is accessible through the single website portal.
3. The managing authority shall involve in information and communication measures, in accordance with national laws and practices, the following bodies where appropriate:
- (a) the partners referred to in Article 5;
 - (b) information centres on Europe, as well as Commission representation offices, and information offices of the European Parliament in the Member States;
 - (c) educational and research institutions.

These bodies shall widely disseminate the information described in Article 115(1).

2.2. Responsibilities of the beneficiaries

1. All information and communication measures provided by the beneficiary shall acknowledge support from the Funds to the operation by displaying:
- (a) the Union emblem in accordance with the technical characteristics laid down in the implementing act adopted by the Commission under Article 115(4), together with a reference to the Union;
 - (b) a reference to the Fund or Funds supporting the operation.

Where an information or communication measure relates to an operation or to several operations co-financed by more than one Fund, the reference provided for in point (b) may be replaced by a reference to the ESI Funds.

2. During implementation of an operation, the beneficiary shall inform the public about the support obtained from the Funds by:
- (a) providing on the beneficiary's website, where such a website exists, a short description of the operation, proportionate to the level of support, including its aims and results, and highlighting the financial support from the Union;
 - (b) placing, for operations not falling under points 4 and 5, at least one poster with information about the project (minimum size A3), including the financial support from the Union, at a location readily visible to the public, such as the entrance area of a building.
3. For operations supported by the ESF, and in appropriate cases for operations supported by the ERDF or Cohesion Fund, the beneficiary shall ensure that those taking part in an operation have been informed of this funding.

[^{X1}Any document relating to the implementation of an operation which is used for the public or for participants, including any attendance or other certificate, shall include a statement to the effect that the operation was supported by the Fund or Funds.]

4. During implementation of an ERDF or Cohesion Fund operation, the beneficiary shall put up, at a location readily visible to the public, a temporary billboard of a significant size for each operation consisting of the financing of infrastructure or construction operations for which the total public support to the operation exceeds EUR 500 000.

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5. No later than three months after completion of an operation, the beneficiary shall put up a permanent plaque or billboard of significant size at a location readily visible to the public for each operation that fulfils the following criteria:
- (a) the total public support to the operation exceeds EUR 500 000;
 - (b) the operation consists of the purchase of a physical object or of the financing of infrastructure or of construction operations.

The plaque or billboard shall state the name and the main objective of the operation. It shall be prepared in accordance with the technical characteristics adopted by the Commission in accordance with Article 115(4).

3. INFORMATION MEASURES FOR POTENTIAL BENEFICIARIES AND BENEFICIARIES

3.1. Information measures for potential beneficiaries

1. The managing authority shall ensure, in accordance with the communication strategy, that the operational programme's strategy and objectives, and the funding opportunities offered through joint support from the Union and the Member State, are disseminated widely to potential beneficiaries and all interested parties, with details of the financial support from the Funds concerned.
2. The managing authority shall ensure that potential beneficiaries have access to the relevant information, including updated information where necessary, and taking into account the accessibility of electronic or other communication services for certain potential beneficiaries, on at least the following:
 - (a) the funding opportunities and the launching of application calls;
 - (b) the eligibility of expenditure conditions to be met in order to qualify for support under an operational programme;
 - (c) a description of the procedures for examining applications for funding and of the time periods involved;
 - (d) the criteria for selecting the operations to be supported;
 - (e) the contacts at national, regional or local level that are able to provide information on the operational programmes;
 - (f) the responsibility of potential beneficiaries to inform the public about the aim of the operation and the support from the Funds to the operation in accordance with point 2.2. The managing authority may request potential beneficiaries to propose indicative communication activities, proportional to the size of the operation, in the applications.

3.2. Information measures for beneficiaries

1. The managing authority shall inform beneficiaries that acceptance of funding constitutes an acceptance of their inclusion in the list of operations published in accordance with Article 115(2).
2. The managing authority shall provide information and communication tools, including templates in electronic format, to help beneficiaries to meet their obligations set out in point 2.2, where appropriate.

4. ELEMENTS OF THE COMMUNICATION STRATEGY

Status: Point in time view as at 16/12/2017.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1303/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

The communication strategy drawn up by the managing authority and, where appropriate, by the Member State shall include the following elements:

- (a) a description of the approach taken, including the main information and communication measures to be taken by the Member State or the managing authority and aimed at potential beneficiaries, beneficiaries, multipliers and the wider public, having regard to the aims described in Article 115;
- (b) a description of materials that will be made available in formats accessible for people with disabilities;
- (c) a description of how beneficiaries will be supported in their communication activities;
- (d) the indicative budget for implementation of the strategy;
- (e) a description of the administrative bodies, including the staff resources, responsible for implementing the information and communication measures;
- (f) the arrangements for the information and communication measures referred to in point 2, including the website or website portal at which such data may be found;
- (g) an indication of how the information and communication measures shall be assessed in terms of visibility and awareness of policy, operational programmes and operations, and of the role played by the Funds and the Union;
- (h) where appropriate, a description of the use of the main results of the previous operational programme;
- (i) an annual update setting out the information and communication activities to be carried out in the following year.

ANNEX XIII

DESIGNATION CRITERIA FOR THE MANAGING AUTHORITY AND THE CERTIFYING AUTHORITY

1. INTERNAL CONTROL ENVIRONMENT
 - (i) Existence of an organisational structure covering the functions of managing and certifying authorities and the allocation of functions within each of those authorities, ensuring that the principle of separation of functions, where appropriate, is respected.
 - (ii) Framework for ensuring, in the event of delegation of tasks to intermediate bodies, the definition of their respective responsibilities and obligations, the verification of their capacities to carry out delegated tasks and the existence of reporting procedures.
 - (iii) Reporting and monitoring procedures for irregularities and for the recovery of amounts unduly paid.
 - (iv) Plan for allocation of appropriate human resources with necessary technical skills, at different levels and for different functions in the organisation.
2. RISK MANAGEMENT

Status: Point in time view as at 16/12/2017.

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Taking into account the principle of proportionality, a framework for ensuring that an appropriate risk management exercise is conducted when necessary, and in particular, in the event of major modifications to the activities.

3. MANAGEMENT AND CONTROL ACTIVITIES

A. Managing authority

- (i) Procedures regarding grant applications, appraisal of applications, selection for funding, including instructions and guidance ensuring the contribution of operations, in accordance with point (a)(i) of Article 125(3), to achieving the specific objectives and results of the relevant priority.
- (ii) Procedures for management verifications including administrative verifications in respect of each application for reimbursement by beneficiaries and the on-the-spot verifications of operations.
- (iii) Procedures for treatment of applications for reimbursement by beneficiaries and authorisation of payments.
- (iv) Procedures for a system to collect, record and store in computerised form data on each operation, including, where appropriate, data on individual participants and a breakdown of data on indicators by gender where required, and to ensure that systems security is in line with internationally accepted standards.
- (v) Procedures established by the managing authority to ensure that beneficiaries maintain either a separate accounting system or an adequate accounting code for all transactions relating to an operation.
- (vi) Procedures for putting in place effective and proportionate anti-fraud measures.
- (vii) Procedures to ensure an adequate audit trail and archiving system.
- [^{XI}(viii) Procedures to draw up the management declaration referred to in point (a) of Article 59(5) of the Financial Regulation and the annual summary of the final audit reports and of controls carried out, including weaknesses identified, referred to in point (b) of Article 59(5) thereof.]
- (ix) Procedures to ensure the provision to the beneficiary of a document setting out the conditions for support for each operation.

B. Certifying authority

- (i) Procedures for certifying interim payment applications to the Commission.
- (ii) Procedures for drawing up the accounts and certifying that they are true, complete and accurate and that the expenditure complies with applicable law taking into account the results of all audits.
- (iii) Procedures for ensuring an adequate audit trail by maintaining accounting records including amounts recoverable, recovered and withdrawn for each operation, in computerised form.
- (iv) Procedures, where appropriate, to ensure that the certifying authority receives adequate information from the managing authority on the verifications carried out, and the results of the audits carried out by or under the responsibility of the audit authority.

4. MONITORING

Status: Point in time view as at 16/12/2017.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1303/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- A. Managing authority
- (i) Procedures to support the work of the monitoring committee.
- (ii) Procedures to draw up and submit to the Commission annual and final implementation reports.
- B. Certifying authority

Procedures on the fulfilment of the responsibilities of the certifying authority for monitoring the results of the management verifications and the results of the audits carried out by or under the responsibility of the audit authority before submitting payment applications to the Commission.

ANNEX XIV

CORRELATION TABLE

Regulation (EC) No 1083/2006	This Regulation
Article 1	Article 1
Article 2	Article 2
Articles 3 and 4	Article 89
Articles 5, 6 and 8	Article 90
Article 7	—
Article 9	Articles 4 and 6
Article 10	Article 4(1)
Article 11	Article 5
Article 12	Article 4(4)
Article 13	Article 4(5)
Article 14	Articles 4(7) and (8) and 73
Article 15	Article 95
Article 16	Article 7
Article 17	Article 8
Article 18	Article 91
Articles 19 to 21	Article 92
Article 22	Articles 93 and 94
Article 23	Article 92(6)
Article 24	Article 91(3)
Article 25	Articles 10 and 11
Article 26	Article 12

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Article 27	Article 15
Article 28	Articles 14 and 16
Article 29	Article 52
Article 30	Article 53
Article 31	Article 113
Article 32	Articles 26, 29 and 96(9) and (10)
Article 33	Articles 30 and 96(11)
Article 34	Article 98
Article 35	Article 99
Article 36	Article 31
Article 37	Articles 27 and 96(1) to (8)
Article 38	—
Article 39	Article 100
Article 40	Article 101
Article 41	Articles 102 and 103
Article 42	Article 123(7)
Article 43	—
Article 43a	Article 67
Article 43b	Article 67
Article 44	Articles 37 to 46
Article 45	Articles 58 and 118
Article 46	Articles 59 and 119
Article 47	Article 54
Article 48	Articles 55, 56(1) to (3), 57 and 114(1) and (2)
Article 49	Articles 56(4), 57 and 114(3)
Article 50	Articles 20 to 22
Article 51	—
Article 52	Article 121
Articles 53 and 54	Articles 60 and 120
Article 55	Article 61
Article 56	Articles 65 to 70
Article 57	Article 71
Article 58	Article 73

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Article 59	Article 123
Article 60	Article 125
Article 61	Article 126
Article 62	Article 127
Article 63	Article 47
Article 64	Article 48
Article 65	Article 110
Article 66	Article 49
Article 67	Articles 50 and 111
Article 68	Articles 51 and 112
Article 69	Articles 115 to 117
Article 70	Articles 74 and 122
Article 71	Article 124
Article 72	Article 75
Article 73	Article 128
Article 74	Article 148
Article 75	Article 76
Article 76	Articles 77 and 129
Article 77	Articles 78 and 130
Articles 78 and 78a	Article 131
Article 79	—
Article 80	Article 132
Article 81	Articles 80 and 133
Article 82	Articles 81 and 134
Article 83	—
Article 84	Article 82
Articles 85 to 87	Article 135
Article 88	—
Article 89	Article 141
Article 90	Article 140
Article 91	Article 83
Article 92	Article 142
Article 93	Articles 86 and 136
Article 94	—

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Changes to legislation: *There are outstanding changes not yet made to Regulation (EU) No 1303/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

Article 95	—
Article 96	Article 87
Article 97	Article 88
Article 98	Article 143
Article 99	Articles 85 and 144
Article 100	Article 145
Article 101	Article 146
Article 102	Article 147
Articles 103 and 104	Article 150
Article 105	Article 152
Article 105a	—
Article 106	Article 151
Article 107	Article 153
Article 108	Article 154

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- (1) Regulation (EU) No 1287/2013 of the European Parliament and of the Council of 11 December 2013 establishing a Programme for the Competitiveness of Enterprises and small and medium-sized enterprises (COSME) (2014 - 2020) and repealing Decision No 1639/2006/EC (See page 33 of this Official Journal).
- (2) Commission Decision 2010/670/EU of 3 November 2010 laying down criteria and measures for the financing of commercial demonstration projects that aim at the environmentally safe capture and geological storage of CO₂ as well as demonstration projects of innovative renewable energy technologies under the scheme for greenhouse gas emission allowance trading within the Community established by Directive 2003/87/EC of the European Parliament and of the Council (OJ L 290, 6.11.2010, p. 39).
- (3) Regulation (EU) No 1293/2013 of the European Parliament and of the Council of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EC) No 614/2007 (See page 185 of this Official Journal).
- (4) Regulation (EU) No 1288/2013 of the European Parliament and of the Council of 11 December 2013 establishing "Erasmus+": the Union programme for education, training, youth and sport and repealing Decisions Nos 1719/2006/EC, 1720/2006/EC and 1298/2008/EC (See page 50 of this Official Journal).
- (5) Regulation (EU) No 1296/2013 of the European Parliament and of the Council of 11 December 2013 on a European Union Programme for Employment and Social Innovation ("EaSI") and amending Decision No 283/2010/EU establishing a European Progress Microfinance Facility for employment and social inclusion (See page 238 of this Official Journal).
- (6) Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013, establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 (OJ L 348, 20.12.2013, p. 129).
- (7) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).
- (8) Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).
- (9) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

Status:

Point in time view as at 16/12/2017.

Changes to legislation:

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