

Commission Implementing Regulation (EU) No 215/2014 of 7 March 2014 laying down rules for implementing Regulation (EU) No 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund with regard to methodologies for climate change support, the determination of milestones and targets in the performance framework and the nomenclature of categories of intervention for the European Structural and Investment Funds

CHAPTER I

METHODOLOGY FOR DETERMINING THE SUPPORT FOR CLIMATE CHANGE OBJECTIVES FOR EACH OF THE ESI FUNDS

(Empowerment under the third subparagraph of Article 8 of Regulation (EU) No 1303/2013)

Article 1

Methodology for the calculation of support by the ERDF, the ESF and the Cohesion Fund for climate change objectives

- 1 The calculation of support to be used for climate change objectives by the ERDF and the Cohesion Fund shall be carried out in two steps as follows:
 - a the coefficients set out in Table 1 of Annex I to this Regulation shall be applied by intervention field code to financial data reported for those codes;
 - b in relation to financial data reported against intervention field codes that have a coefficient of zero, where financial data is reported in the thematic objective dimension against codes 04 and 05 set out in Table 5 of Annex I to this Regulation, the data shall be weighted with a 40 % coefficient in terms of their contribution to climate change objectives.
- 2 The climate change coefficients applied on the basis of Table 1 of Annex I to this Regulation shall also apply to the respective categories under the European territorial cooperation goal established on the basis of the second subparagraph of Article 8(2) of Regulation (EU) No 1299/2013 of the European Parliament and of the Council⁽¹⁾.
- 3 The calculation of support for climate change objectives by the ESF shall be made by identifying the financial data reported against dimension code 01 ‘Supporting the shift to a low carbon, resource efficient economy’ in accordance with Dimension 6 ‘Codes for the secondary theme dimension under the European Social Fund’ as set out in Table 6 of Annex I to this Regulation.

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Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) No 215/2014. 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 2

Methodology for the calculation of support by the EAFRD for climate change objectives

1 The indicative amount of support to be used for climate change objectives by the EAFRD in each programme as referred to in Article 27(6) of Regulation (EU) No 1303/2013 shall be calculated by applying the coefficients set out in Annex II to this Regulation to the planned expenditure shown in the financing plan referred to in Article 8(1)(h) of Regulation (EU) No 1305/2013 in relation to the priorities and focus areas referred to in points 3(b), 4, 5 and 6(b) of Article 5 of Regulation (EU) No 1305/2013.

2 For the purpose of reporting on support used for climate change objectives in the annual implementation report in accordance with Article 50(4) and (5) of Regulation (EU) No 1303/2013, the coefficients referred to in paragraph 1 shall be applied to the information on expenditure referred to in Article 75(2) of Regulation (EU) No 1305/2013.

Article 3

Methodology for the calculation of support by the EMFF for climate change objectives

1 The contribution to climate change by the EMFF shall be calculated by attaching coefficients to each of the main measures supported by the EMFF reflecting the climate change relevance of each of these measures.

Support by the EMFF for climate change objectives shall be calculated on the basis of the following information:

- a the indicative amount of support to be used for climate change objectives by the EMFF in each programme as referred to in Article 27(6) of Regulation (EU) No 1303/2013;
- b the coefficients established for the main measures supported by the EMFF as set out in Annex III to this Regulation;
- c reporting by Member States on financial appropriations and expenditure by measure in annual implementation reports pursuant to Article 50(4) and (5) of Regulation No 1303/2013;
- d the information and data provided by Member States on operations selected for funding pursuant to a future Union legal act establishing the conditions for the financial support for maritime and fisheries policy for the programming period 2014-2020 (the 'EMFF Regulation').

2 A Member State may propose in its operational programme that a coefficient of 40 % be assigned to a measure weighed with a coefficient of 0 % in Annex III to this Regulation, provided that it can demonstrate the relevance of that measure to climate change mitigation or adaptation.

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CHAPTER II

DETERMINING MILESTONES AND TARGETS IN THE PERFORMANCE FRAMEWORK AND ASSESSING THEIR ACHIEVEMENT

(Empowerment under the fifth subparagraph of Article 22(7) of Regulation (EU) No 1303/2013)

Article 4

Information to be recorded by the bodies preparing the programmes

1 The bodies preparing programmes shall record information on the methodologies and criteria applied to select indicators for the performance framework to ensure that corresponding milestones and targets comply with the conditions set out in paragraph 3 of Annex II to Regulation (EU) No 1303/2013 for all programmes and priorities supported by the ESI Funds, as well as the specific allocation to the Youth Employment Initiative ('YEI') as referred to in Article 16 of Regulation (EU) No 1304/2013 of the European Parliament and of the Council⁽²⁾, subject to the exceptions set out in paragraph 1 of Annex II to Regulation (EU) No 1303/2013.

2 The information recorded by the bodies preparing programmes shall permit verification of compliance with the conditions set out in paragraph 3 of Annex II to Regulation (EU) No 1303/2013 for the milestones and targets. This shall include:

- a data or evidence used to estimate the value of milestones and targets and the calculation method, such as data on unit costs, benchmarks, standard or a past rate of implementation, expert advice and the conclusions of the ex-ante evaluation;
- b information on the share of the financial allocation represented by operations, to which the output indicators and key implementation steps set out in the performance framework correspond, as well as the explanation of how that share has been calculated;
- c information on how the methodology and mechanisms to ensure consistency in the functioning of the performance framework set out in the Partnership Agreement in accordance with Article 15(1)(b)(iv) of Regulation (EU) No 1303/2013 have been applied;
- d an explanation of the selection of result indicators or key implementation steps, where these have been included in the performance framework.

3 The information on the methodologies and criteria applied to select indicators for the performance framework and to fix corresponding milestones and targets recorded by the bodies preparing programmes shall be made available at the request of the Commission.

4 The requirements referred to in paragraphs 1 to 3 of this Article shall also apply to the revision of milestones and targets in accordance with Article 30 of Regulation (EU) No 1303/2013.

Article 5

Establishment of milestones and targets

1 Milestones and targets shall be set at the level of the priority, except in the cases referred to in Article 7. Output indicators and key implementation steps set out in the performance framework shall correspond to more than 50 % of the financial allocation to the

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priority. For the purposes of establishing that amount, an allocation to an indicator or key implementation step shall not be counted more than once.

2 For all ESI Funds, except for the EAFRD, the milestone and the target for a financial indicator shall refer to the total amount of eligible expenditure entered into the accounting system of the certifying authority and certified by that authority in accordance with point (c) of Article 126 of Regulation (EU) No 1303/2013.

For the EAFRD, they shall refer to the realised total public expenditure entered into the common monitoring and evaluation system.

3 For all ESI Funds, except for the ESF and the EAFRD, the milestone and target for an output indicator shall refer to operations, where all the actions leading to outputs have been implemented in full, but for which not all the payments have necessarily been made.

For the ESF and for the EAFRD for measures according to Articles 16, 19(1)(c), 21 (1) (a) and (b), 27, 28, 29, 30, 31, 33, 34 of Regulation (EU) No 1305/2013, they may also relate to the achieved value for operations which have been started but where some of the actions leading to outputs are still ongoing.

For other measures under the EAFRD, they shall refer to the completed operations in the meaning of Article 2(14) of Regulation (EU) No 1303/2013.

4 A key implementation step shall be an important stage in the implementation of operations under a priority, whose completion is verifiable and may be expressed by a number or percentage. For the purpose of Articles 6 and 7 of this Regulation, key implementation steps shall be treated as indicators.

5 A result indicator shall be used only where appropriate and closely linked to supported policy interventions.

6 Where the information referred to in Article 4(2) of this Regulation has been found to be based on incorrect assumptions leading to under- or over-estimation of targets or milestones, this may be considered to constitute a duly justified case in the meaning of paragraph 5 of Annex II to Regulation (EU) No 1303/2013.

Article 6

Achievement of milestones and targets

1 The achievement of milestones and targets shall be assessed by taking into account all indicators and key implementation steps included in the performance framework set at the level of priority in the meaning of Article 2(8) of Regulation (EU) No 1303/2013 except in cases referred to in Article 7 of this Regulation.

2 The milestones or targets of a priority shall be deemed to be achieved if all indicators included in the related performance framework have achieved at least 85 % of the milestone value by the end of 2018 or at least 85 % of the target value by the end of 2023. By way of derogation, where the performance framework includes three or more indicators, the milestones or targets of a priority may be deemed to be achieved if all indicators except for one achieve 85 % of their milestone values by the end of 2018 or 85 % of their target value by the end of 2023. The indicator, which does not achieve 85 % of its milestone or target value, shall not achieve less than 75 % of its milestone or target value.

3 For a priority whose performance framework includes no more than two indicators, a failure to achieve at least 65 % of the milestone value by the end of 2018 for either of these

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indicators shall be deemed a serious failure to achieve milestones. A failure to achieve at least 65 % of the target value by the end of 2023 for either of these indicators shall be deemed a serious failure to achieve the targets.

4 For a priority whose performance framework includes more than two indicators the failure to achieve at least 65 % of the milestone value by the end of 2018 for at least two of those indicators shall be deemed a serious failure to achieve milestones A failure to achieve at least 65 % of the target value by the end of 2023 for at least two of these indicators shall be deemed a serious failure to achieve the targets.

Article 7

Performance framework for priority axes referred to in Article 96(1)(a) and (b) of Regulation (EU) No 1303/2013 and priority axes integrating the YEI

1 The indicators and key implementation steps selected for the performance framework, their milestones and targets, as well as their achievement values shall be broken down by Fund and, for the ERDF and the ESF, by category of region.

2 The information required in Article 4(2) of this Regulation shall be set out by Fund and by category of region, where applicable.

3 The achievement of milestones and targets shall be assessed separately for each Fund and for each category of region within the priority, taking into account the indicators, their milestones and targets, and their achievement values broken down by Fund and category of region. Output indicators and key implementation steps set out in the performance framework shall correspond to more than 50 % of the financial allocation to the Fund and category of region, where applicable. For the purposes of establishing that amount, an allocation to an indicator or key implementation step shall not be counted more than once.

4 If the resources for the YEI are programmed as a part of a priority axis in accordance with Article 18(c) of Regulation (EU) No 1304/2013, a performance framework shall be established separately for the YEI and the achievement of milestones set for the YEI shall be assessed separately from the other part of the priority axis.

CHAPTER III

NOMENCLATURE OF CATEGORIES OF INTERVENTION FOR THE ERDF, THE ESF AND THE COHESION FUND UNDER THE INVESTMENT FOR GROWTH AND JOBS GOAL

Article 8

Categories of intervention for the ERDF, the ESF and the Cohesion Fund(Empowerment under the second subparagraph of Article 96(2) of Regulation (EU) No 1303/2013)

1 The nomenclature for categories of intervention referred to in the second subparagraph of Article 96(2) of Regulation (EU) No 1303/2013 is set out in Tables 1 to 8 of Annex I to this Regulation. The Codes set out in these tables shall apply to the ERDF with regard to the Investment for growth and jobs goal, the Cohesion Fund, the ESF and the YEI, as specified in paragraphs 2 and 3 of this Article.

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2 Codes 001 to 101 set out in Table 1 of Annex I to this Regulation shall only apply to the ERDF and the Cohesion Fund.

Codes 102 to 120 set out in Table 1 of Annex I to this Regulation shall only apply to the ESF.

Only Code 103 set out in Table 1 of Annex I to this Regulation shall apply to the YEI.

Codes 121, 122 and 123 set out in Table 1 of Annex I to this Regulation shall apply to the ERDF, the Cohesion Fund and the ESF.

3 The codes set out in Tables 2 to 4, 7 and 8 of Annex I to this Regulation shall apply to the ERDF, the ESF, the YEI and the Cohesion Fund.

The codes set out in Table 5 of Annex I to this Regulation shall only apply to the ERDF and the Cohesion Fund.

The codes set out in Table 6 of Annex I to this Regulation shall only apply to the ESF and the YEI.

CHAPTER IV

FINAL PROVISIONS

Article 9

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Article 3 and Annex III to this Regulation shall apply with effect as of the entry into force of the EMFF Regulation.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 7 March 2014.

For the Commission

The President

José Manuel BARROSO

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- (1) Regulation (EU) No 1299/2013 of the European Parliament and of the Council of 17 December 2013 on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal (OJ L 347, 20.12.2013, p. 259).
- (2) Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 181/2006 (OJ L 347, 20.12.2013, p. 470).

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