

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

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 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 and repealing Council Regulation (EC) No 1083/2006⁽¹⁾, and in particular the third subparagraph of Article 8, the fifth subparagraph of Article 22(7) and the second subparagraph of Article 96(2) thereof,

Whereas:

- (1) Regulation (EU) No 1303/2013 lays down common provisions on the European Regional Development Fund (ERDF), the European Social Fund (ESF), the Cohesion Fund, the European Agricultural Fund for Rural Development (EAFRD) and the European Maritime and Fisheries Fund (EMFF) which provide support under the cohesion policy and now operate under a common framework.

Status: Point in time view as at 31/01/2020.

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)

- (2) The provisions in this Regulation are closely linked, since they deal with the fund-specific rules for each of the five European Structural and Investment Funds (the 'ESI Funds') on aspects common to three or more of them, i.e. a methodology for climate change support, the determination of milestones and targets in the performance framework and the nomenclature of categories of intervention and all affect the content of programmes. To ensure coherence between those provisions, which should enter into force at the same time to facilitate strategic programming of the ESI Funds, and to facilitate a comprehensive view and compact access to them by all Union residents, it is desirable to include these elements relevant for the programming of the ESI Funds to be set out by implementing acts as required by Regulation (EU) No 1303/2013 in a single Regulation.
- (3) Pursuant to the third subparagraph of Article 8 of Regulation (EU) No 1303/2013, it is necessary to adopt a common methodology to determine the level of support for climate change objectives for each of the five ESI Funds. That methodology should consist of assigning a specific weighting to the support provided under the ESI Funds at a level which reflects the extent to which such support makes a contribution to climate change mitigation and adaptation goals. The specific weighting assigned should be differentiated on the basis of whether the support makes a significant or a moderate contribution towards climate change objectives. Where the support does not contribute towards those objectives or the contribution is insignificant, a weighting of zero should be assigned. The standard weightings should be used to ensure a harmonised approach to tracking of climate change related expenditure across different Union policies. The methodology should nevertheless reflect the differences in the interventions of each of the different ESI Funds. In accordance with Regulation (EU) No 1303/2013, in the case of the ERDF, the ESF and the Cohesion Fund weightings should be attached to categories of intervention established within the nomenclature adopted by the Commission. In the case of the EAFRD weightings should be attached to focus areas set out in Regulation (EU) No 1305/2013 of the European Parliament and of the Council⁽²⁾ and in the case of the EMFF to measures set out in a future Union legal act establishing the condition for the financial support for maritime and fisheries policy for the 2014-2020 programming period.
- (4) Pursuant to the fifth subparagraph of Article 22(7) of Regulation (EU) No 1303/2013 it is also necessary to lay down detailed arrangements for determining the milestones and targets in the performance framework for each priority included in programmes supported by the ESI Funds and for assessing the achievement of those milestones and targets.
- (5) The verification of whether the milestones and targets fulfil the conditions set out in Annex II to Regulation (EU) No 1303/2013 requires recording of the information used for this purpose and of the methodological approach taken to establish the performance framework. While the inclusion of that information in programmes should be voluntary, such documentation should be available both to the Member State and to the Commission to inform the development of a performance framework which is consistent with Annex II to Regulation (EU) No 1303/2013.

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- (6) Achievement of milestones set in the performance framework is a precondition for the definitive allocation of the performance reserve and serious failure to achieve milestones may lead to suspension of interim payments. It is therefore important to set out detailed arrangements for setting milestones and to define precisely what constitutes achievement of milestones.
- (7) Since achievement of targets set for the end of the programming period is an important measure of success delivering ESI Funds and serious failure to achieve targets may be the basis for a financial correction, it is important to state clearly the arrangements for setting targets and to clarify precisely what constitutes achieving targets or a serious failure to do so.
- (8) In order to reflect the progress in implementation of operations under a priority, it is necessary to set out the characteristics of key implementation steps.
- (9) In order to ensure that the performance framework reflects adequately the objectives and results sought for each Fund, or the Youth Employment Initiative, and category of region, where appropriate, it is necessary to set out specific provisions on the structure of the performance framework and on the assessment of the achievement of milestones and targets, where a priority covers more than one Fund or category of region. As only the ESF and the ERDF provide for financial allocations by category of region, the latter should not be considered relevant for the purposes of setting up a performance framework for the Cohesion Fund, the EAFRD and the EMFF.
- (10) Pursuant to the second subparagraph of Article 96(2) of Regulation (EU) No 1303/2013 it is necessary to specify common categories of intervention for the ERDF, the ESF and Cohesion Fund to enable Member States to submit to the Commission consistent information on the programmed use of the these Funds as well as information on the cumulative allocation and expenditure of these Funds by category and the number of operations throughout the application period of a programme. This is to enable the Commission to inform the other Union institutions and citizens of the Union in an appropriate manner about the use of the Funds. With the exception of categories of intervention which correspond directly to thematic objectives or investment priorities set out in Regulation (EU) No 1303/2013 and in Fund-specific Regulations, the categories of intervention can be applied to support under different thematic objectives.
- (11) In order to allow for the prompt application of the measures provided for in this Regulation, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (12) The measures provided for in this Regulation are in accordance with the second subparagraph of Article 150(3) of Regulation (EU) No 1303/2013, given that the Coordination Committee for the European Structural and Investment Funds established by Article 150(1) of that Regulation delivered an opinion,

HAS ADOPTED THIS REGULATION:

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- (1) [OJ L 347, 20.12.2013, p. 320.](#)
- (2) Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development and repealing Regulation (EC) No 1698/2005 ([OJ L 347, 20.12.2013, p. 487](#)).

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