

[^{F1}ANNEX II

Criteria for quality review of major projects referred to in Article 23

Textual Amendments

F1 Annexes 2-4 omitted for specified purposes (31.12.2020) by virtue of The European Structural and Investment Funds Common Provisions Rules etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/783), regs. 1, **5(17)**; 2020 c. 1, Sch. 5 para. 1(1)

1. **Quality review criteria for the information requirements of Article 101(a) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council⁽¹⁾**

Evidence of sufficient technical, legal, financial and administrative capacity to manage the project in implementation and operational phases.

2. **Quality review criteria for the information requirements of Article 101(b) of Regulation (EU) No 1303/2013**

Evidence of the eligibility for funding of the project on the basis of related requirements linked to location or project area.

3. **Quality review criteria for the information requirements of Article 101(c) of Regulation (EU) No 1303/2013**

3.1. Correctness of the calculation of total costs and of total eligible cost, taking into account the requirements set out in Article 61 of Regulation (EU) No 1303/2013, and sufficiency of detail, and appropriateness of the rationale applied for the calculation of costs both in terms of its overall cost to achieve the expected objectives and in terms of unit costs, where applicable.

3.2. Evidence of eligibility for support from the European Regional Development Fund (ERDF) or the Cohesion Fund, as applicable, and funding envisaged only for those elements that comply with the eligibility rules set down in Regulation (EU) No 1303/2013, Regulation (EU) No 1301/2013 of the European Parliament and of the Council⁽²⁾ and Regulation (EU) No 1300/2013 of the European Parliament and of the Council⁽³⁾, and with eligibility rules established by the Member State.

3.3. Evidence that the public support to the project does not constitute State aid or in case of State aid, that it has been properly taken into account in the calculation of the total public contribution to the project.

4. **Quality review criteria for the information requirements of Article 101(d) of Regulation (EU) No 1303/2013**

4.1. Reliability of the demand analysis (or business plan in case of productive investment), based on realistic estimates and in line with main demographic trends and developments in the respective sector, justifying the need for the project and the overall capacity of the project facilities.

4.2. Adequacy of the quality of the options analysis to support the conclusion of the Member State that the main alternatives have been analysed and the best option was selected for implementation including justification of the option chosen.

Changes to legislation: There are currently no known outstanding effects for the Commission Delegated Regulation (EU) No 480/2014, ANNEX II. (See end of Document for details)

- 4.3. Adequacy of the technology proposed for the project and the capacity of the final beneficiary to ensure its sustainability or, in case of insufficient capacity of the final beneficiary, sufficient provisions envisaged to bring this capacity to the levels necessary.
- 4.4. Soundness of the conclusion that the project is feasible and can be implemented in the period planned for the project or, at latest, by the end of the eligibility period as defined in Article 65(2) of Regulation (EU) No 1303/2013.
5. **Quality review criteria for the information requirements of Article 101(e) of Regulation (EU) No 1303/2013**
 - 5.1. Cost-benefit analysis correctly followed the required methodology referred to in Article 101 of Regulation (EU) No 1303/2013, and correctly applied the method for calculation of net revenue as referred to in Article 61 of that Regulation and in Articles 15 to 19 of this Regulation.
 - 5.2. Soundness of the conclusion that the project is economically and financially viable and has positive socioeconomic effects justifying the level of support to the extent envisaged under the ERDF or the Cohesion Fund.
6. **Quality review criteria for the information requirements of Article 101(f) of Regulation (EU) No 1303/2013**
 - 6.1. Demonstrated contribution to the objectives of environmental and climate change policies, in particular targets linked to the Europe 2020 strategy and evidence of account being taken of the risks related to climate change, adaptation and mitigation needs, disaster resilience and of appropriate measures implemented or foreseen to ensure resilience of the project to climate change variability.
 - 6.2. Evidence that the polluter pays principle and the principle of preventive action have been correctly applied.
 - 6.3. Compliance of the project with Directive 2011/92/EU of the European Parliament and of the Council⁽⁴⁾ for projects listed in Annex I to that Directive, and for projects listed in Annex II to that Directive, for which the competent authorities concluded through the screening provided in Article 4 that an EIA procedure is needed as for projects listed in Annex I to Directive 2011/92/EU:
 - (a) the non-technical summary of the EIA report is in accordance with Article 5 and Annex IV to Directive 2011/92/EU and has been subject to public consultations; and
 - (b) consultations with environmental authorities, the public, and if applicable, with other Member States, have been carried out in accordance with Articles 6 and 7 of Directive 2011/92/EU; and
 - (c) the decision of the competent authority was issued in accordance to Articles 8 and 9 of Directive 2011/92/EU; or
 - (d) in the cases where the EIA procedure has been completed with a legally binding decision, pending the issuing of development consent in accordance with Articles 8 and 9 of Directive 2011/92/EU, the availability of a written commitment by the Member States for timely action to ensure that the development consent would be issued at latest before the start of works.

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- 6.4. Compliance of the project with Directive 2011/92/EU for projects listed in Annex II to that Directive, for which the competent authorities concluded, by means of the screening provided under Article 4, that no EIA procedure was needed:
- (a) screening determination of the competent authorities has been issued and made available to the public; and
 - (b) where screening determination does not refer to the criteria listed in Annex III to Directive 2011/92/EU, the relevant information under Article 4 and Annex III to that Directive has been provided.
- 6.5. Where appropriate, demonstrated non-applicability of Directive 2011/92/EU.
- 6.6. If the project results from a plan or programme (subject to the requirements of Directive 2001/42/EC of the European Parliament and of the Council⁽⁵⁾) other than the operational programme, demonstrated consistency of the project with the plan or programme.
- 6.7. In case of non-fulfilment of the general ex-ante conditionality on environmental legislation and of any, as the case may be, relevant thematic ex ante conditionalities for the waste and water sectors, and transport sector (SEA requirements) as set out in Article 19 and Annex XI to Regulation (EU) No 1303/2013, the link to the agreed action plan has to be demonstrated.
- 6.8. Compliance of the project with Council Directive 92/43/EEC⁽⁶⁾:
- (a) in the case of a project likely to have significant effects on a Natura 2000 site(s) (in accordance with Article 6(3)) the appropriate assessment has been carried out and completed before the development consent for the project has been issued;
 - (b) in the case of a project with significant negative effects on a Natura 2000 site(s), the requirements of Article 6(4) of Directive 92/43/EEC, including notification to or opinion from the Commission, has been fulfilled.
- 6.9. Adequacy of information about additional environmental integration measures such as environmental audit, environmental management, and specific environmental monitoring, demonstrating their adequacy in respect of identified needs.
- 6.10. Adequacy of the estimation of the cost of measures taken to address negative environmental impacts.
- 6.11. Compliance of the project with relevant sectoral environmental directives, if applicable, in particular:
- (a) Directive 2000/60/EC of the European Parliament and of the Council⁽⁷⁾ for projects affecting water bodies (where applicable, for projects subject to the exemptions under Article 4(7) of that Directive, verification of the assessment);
 - (b) Council Directive 91/271/EEC⁽⁸⁾ for projects in the urban waste water sector;
 - (c) Directive 2008/98/EC of the European Parliament and of the Council⁽⁹⁾ and relevant applicable directives such as Council Directive 1999/31/EC⁽¹⁰⁾ for projects relating to solid waste; and
 - (d) Directive 2010/75/EU of the European Parliament and of the Council⁽¹¹⁾ for projects requiring the granting of a permit under that Directive.

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7. **Quality review criteria for the information requirements of Article 101 (g) of Regulation (EU) No 1303/2013**
 - 7.1. Consistency and adequacy of project objectives with the specific objectives defined under the relevant priority axes of the operational programmes concerned.
 - 7.2. Adequacy of expected project contribution to result and output indicators of the priority axis.
 - 7.3. Adequacy of expected project contribution to the socioeconomic development.
 - 7.4. Evidence that a beneficiary has taken appropriate measures to ensure optimal utilisation of the infrastructure in the operational phase.
8. **Quality review criteria for the information requirements of Article 101(h) of Regulation (EU) No 1303/2013**
 - 8.1. Justified total planned financial resources and justified planned support from the Funds correctly presented in the financing plan.
 - 8.2. Adequacy of project's financing plan demonstrating its financial viability for the annual financial needs for implementation of the project.
 - 8.3. Appropriateness and verifiability of the physical and financial indicators for monitoring progress taking account of the identified risks.
9. **Quality review criteria for the information requirements of Article 101(i) of Regulation (EU) No 1303/2013**
 - 9.1. Soundness and feasibility of the proposed timetable for implementing the major project taking into account the identified risks.
 - 9.2. In case the implementation of the project is longer than the programming period, appropriateness of the identified phases and optimal set-up from effectiveness and efficiency point of view.]

- (1) 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 (OJ L 347, 20.12.2013, p. 320).
- (2) Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013 on the European Regional Development Fund and on specific provisions concerning the investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006 (OJ L 347, 20.12.2013, p. 289).
- (3) Regulation (EU) No 1300/2013 of the European Parliament and of the Council of 17 December 2013 on the Cohesion Fund and repealing Council Regulation (EC) No 1084/2006 (OJ L 347, 20.12.2013, p. 281).
- (4) 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).
- (5) 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).
- (6) 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).
- (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) Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment (OJ L 135, 30.5.1991, p. 40).
- (9) 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).
- (10) Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1).
- (11) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

Changes to legislation:

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