

FICHE ON APPLICABILITY OF PROVISIONS CONTAINED IN THE COMMON PROVISIONS REGULATION (CPR) AND THE ERDF REGULATION TO COOPERATION PROGRAMMES

Fiche no 27

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Commission Proposal	Relevant Articles
Common Provisions Regulation COM(2011) 615	All
ERDF Regulation COM (2011) 614	All
ETC Regulation COM (2011) 611	All

This paper has been drawn up on the basis of the proposals for regulations adopted by the European Commission on 6 October 2011. It does not prejudge the final nature of the act, or the content of any delegated or implementing act that may be prepared by the Commission.

Article 3(1) of ETC Regulation COM (2011) 611 reads:

"Regulation (EU) No [...] /2012 [CPR] and Chapter I of Regulation (EU) No [...] /2012 [ERDF Regulation] shall apply to the European territorial cooperation goal and to cooperation programmes thereunder, except as specifically provided under this Regulation or where such provisions can only apply to the Investment for growth and jobs goal."

The list below indicates the applicability of the respective Articles to cooperation programmes.

CPR Regulation (Corrigendum adopted on 14/03/2012)		
Article Number	Title of the Article	Applicability to cooperation programmes
PART ONE	SUBJECT-MATTER AND DEFINITIONS	
Article 1	Subject-matter	Yes.
Article 2	Definitions	Yes.
PART TWO	COMMON PROVISIONS APPLICABLE TO CSF FUNDS	
TITLE I Articles 3-8	Principles of Union support for the CSF Funds	Yes.
TITLE II	STRATEGIC APPROACH	
CHAPTER I Articles 9-12	Thematic objectives for the CSF Funds and Common Strategic Framework	Yes.
CHAPTER II Articles 13-15	Partnership Contract	Yes.
CHAPTER III	Thematic concentration, ex ante conditionalities and performance review	
Article 16	Thematic concentration	Yes, complemented by Art. 5 ETC Regulation.
Article 17	Ex ante conditionalities	No, derogation in para. 6.
Article 18	Performance reserve	No, exception in Article 18.
Article 19	Performance Review	Yes.
Article 20	Allocation of performance reserve	No, derogation in para. 5.
CHAPTER IV	Macroeconomic conditionalities	
Article 21	Conditionality linked to the coordination of Member States' economic policies	No, not applicable in multi-country context.
Article 22	Increase in payments for Member States with temporary budgetary difficulties	No, derogation in last subpara. of para. 1.
TITLE III	PROGRAMMING	
CHAPTER I	General provisions on the CSF Funds	
Article 23	Preparation of programmes	Yes. Specific rule for submission in para (3).
Article 24	Content of programmes	Yes, complemented by Article 7 ETC Regulation.
Article 25-27	The procedure for adoption of programmes, amendment of programmes, participation of	Yes. Specific rule in 2 nd sub-para of Article 26(1).

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CHAPTER II Articles 28-31	Community-led local development	Yes, complemented by Article 9 ETC Regulation.
TITLE IV Articles 32-40	FINANCIAL INSTRUMENTS	Yes.
TITLE V	MONITORING AND EVALUATION	
CHAPTER I	Monitoring	
SECTION I	MONITORING OF PROGRAMMES	
Article 41	Monitoring committee	Yes.
Article 42	Composition of the monitoring committee	Yes. Specific rule in 2 nd sub-para of (1).
Article 43	Functions of the monitoring committee	Yes, complemented by Article 100 CPR and additional tasks contained in Article 11(1) ETC Regulation (selection of operations) and Article 17(2) ETC Regulation (establishment of eligibility rules).
Article 44	Implementation reports	Yes, complemented by Article 13 ETC Regulation.
Article 45	Annual review meeting	Yes, complemented by Article 14 ETC Regulation.
Section II	Strategic progress	
Article 46	Progress report	Yes.
CHAPTER II Articles 47-50	Evaluation	Yes, complemented by Article 104.
TITLE VI	TECHNICAL ASSISTANCE	
Article 51	Technical assistance at the initiative of the Commission	Yes, complemented by Article 108.
Article 52	Technical assistance of the Member States	Yes, complemented by Article 16 ETC Regulation.
TITLE VII	FINANCIAL SUPPORT FROM THE CSF FUNDS	
CHAPTER I	Support from the CSF Funds	
Article 53	Determination of co-financing rates	Yes, complemented by Article 110 CPR.
Article 54	Revenue-generating operations	Yes.
CHAPTER II	Eligibility of expenditure and durability	Yes, except for Article 60 (eligibility of operations depending on location) where Article 19 ETC Regulation contains a specific provision. NB: Adoption of additional eligibility rules foreseen in Article 17 ETC Regulation. Additional flat rate for staff costs foreseen in Article 18 ETC Regulation.
TITLE VIII	MANAGEMENT AND CONTROL	
CHAPTER I	Management and control systems	
Article 62	General principles of management and control systems	Yes.
Article 63	Responsibilities of Member States	Yes, complemented by Article 112 CPR.
CHAPTER II	Accreditation of management and control	

	bodies	
Article 64	Accreditation and coordination	Yes, complemented by Articles 117, 118 CPR and Articles 7(2)(g)(i) and 24 ETC Regulation.
CHAPTER III	Commission powers and responsibilities	
Article 65	Commission powers and responsibilities	Yes.
TITLE IX	FINANCIAL MANAGEMENT, CLEARANCE OF ACCOUNTS AND FINANCIAL CORRECTIONS, DECOMMITMENT	
CHAPTER I	Financial management	
Article 66	Budget commitments	Yes.
Article 67	Common rules for payments	Yes, complemented by Article 119 CPR.
Article 68	Common rules for calculating interim payments, payment of the annual balance, where applicable, and payment of final balance	Yes, complemented by Article 120 CPR.
Article 69	Requests for payment	Yes, complemented by Article 121 CPR.
Article 70	Accumulation of pre-financing and interim payments	Yes.
Article 71	Use of the euro	Yes.
Article 72	Payment of initial pre-financing	Yes.
Article 73	Clearance of initial pre-financing	Yes.
Article 74	Interruption of the payment deadline	Yes.
CHAPTER II Articles 75-77	Clearance of accounts and financial corrections	Yes.
Chapter III Articles 78-80	Decommitment	Yes.
PART THREE	GENERAL PROVISIONS APPLICABLE TO THE ERDF, THE ESF AND THE CF	
TITLE I	OBJECTIVES AND THE FINANCIAL FRAMEWORK	
CHAPTER I	Mission, goals and geographical coverage of support	
Article 81	Mission and goals	Yes.
Article 82	Investment for growth and jobs	No, can only apply to the Investment for growth and jobs goal.
CHAPTER II	Financial framework	
Article 83	Global resources	Yes.
Article 84	Resources for Investment for growth and jobs and for European territorial cooperation	Yes.
Article 85	Non-transferability of resources	No, can only apply to the Investment for growth and jobs goal.
Article 86	Additionality	No, non-applicability provided for in para. 7.
TITLE II	PROGRAMMING	
CHAPTER I	General provisions on the Funds	
Article 87	Content of operational programmes under	No, can only apply to the Investment for

	the Investment for growth and jobs goal	growth and jobs goal: specific provision in Article 7 ETC Regulation.
Article 88	Joint support from the Funds	No, non-applicability provided for in para. 3.
Article 89	Geographical scope of operational programmes under the Investment for growth and jobs goal	No, can only apply to the Investment for growth and jobs goal: geographical scope of cooperation programmes set out in Article 3 ETC Regulation.
CHAPTER II Articles 90-92	Major projects	Yes.
CHAPTER III Articles 93-98	Joint action plan	Yes, complemented by Article 8 ETC Regulation.
CHAPTER IV	Territorial development	
Article 99	Integrated territorial investment	Yes, complemented by Article 10 ETC Regulation.
TITLE III	MONITORING, EVALUATION, INFORMATION AND COMMUNICATION	
CHAPTER I	Monitoring and evaluation	
Article 100	Functions of the monitoring committee	Yes, additional tasks contained in Article 11(1) ETC Regulation (selection of operations) and Article 17(2) ETC Regulation (establishment of eligibility rules).
Article 101	Implementation reports for the Investment for growth and jobs goal	No, can only apply to the Investment for growth and jobs goal: specific provision in Article 13 ETC Regulation.
Article 102	Transmission of financial data	Yes.
Article 103	Cohesion Report	Yes.
Article 104	Evaluation	Yes.
CHAPTER II Article 105-107	Information and Communication	Yes.
TITLE IV	TECHNICAL ASSISTANCE	
Article 108	Technical assistance at the initiative of the Commission	Yes (but not relevant for programming).
Article 109	Technical assistance of the Member States	No. Specific provision in Article 16 ETC Regulation.
TITLE V	FINANCIAL SUPPORT FROM THE FUNDS	
Article 110	Determination of co-financing rates	Yes. Specific provision in last sub-para of para (3).
Article 111	Modulation of the co-financing rates	Yes.
TITLE VI	MANAGEMENT AND CONTROL	
CHAPTER I	Management and control systems	
Article 112	Responsibilities of Member States	Yes.
CHAPTER II	Management and control authorities	
Article 113	Designation of authorities	Yes, complemented by Article 20 ETC Regulation.
Article 114	Functions of the managing authority	Yes, complemented by Article 22 ETC

		Regulation.
Article 115	Functions of the certifying authority	Yes, Complemented by Article 22 ETC Regulation.
Article 116	Functions of the audit authority	Yes, complemented by Article 23 ETC Regulation.
CHAPTER III	Accreditation	
Article 117	Accreditation and withdrawal of accreditation of the managing authority and the certifying authority	Yes, complemented by Article 7(2)(g)(i) ETC Regulation.
Article 118	Cooperation with audit authorities	Yes.
TITLE VII	FINANCIAL MANAGEMENT, CLEARANCE OF ACCOUNTS AND FINANCIAL CORRECTIONS	
CHAPTER I	Financial management	
Article 119	Common rules for payments	Yes.
Article 120	Common rules for calculating interim payments and payment of the annual and final balance	Yes.
Article 121	Payment applications	Yes.
Article 122	Payment to beneficiaries	Yes, complemented by Article 20 ETC Regulation and Article 12(3).
Article 123	Use of the euro	Yes, but derogation concerning the timing of conversion in Article 26 ETC Regulation.
Article 124	Payment of pre-financing	Yes.
Article 125	Clearance of pre-financing	Yes.
Article 126	Deadlines of presentation of interim payments applications and for their payment	Yes.
Article 127	Decommitment	Yes, but derogation from first sub-para. in Article 27 ETC Regulation.
CHAPTER II Articles 128-134 CPR	Clearance of accounts and closure	Yes.
CHAPTER III	Financial corrections	
SECTION I	FINANCIAL CORRECTIONS BY MEMBER STATES	
Article 135	Financial corrections by Member States	Yes, complemented by Article 25 ETC Regulation.
SECTION II ARTICLES 136-139 CPR	FINANCIAL CORRECTIONS BY THE COMMISSION	Yes.
TITLE VIII	Proportional control of operational programmes	
Article 140	Proportional control of operational programmes	Yes.
PART FOUR	DELEGATIONS OF POWER, IMPLEMENTING, TRANSITIONAL AND FINAL PROVISIONS	Apply to CPR. ETC Regulation sets out its own provisions in Articles 29-33.

ERDF Regulation		
Article Number	Title of the Article	Applicability to cooperation programmes
CHAPTER I	Common provisions	Chapter applies except "where such provisions can only apply to the Investment for growth and jobs goal".
Article 1	Subject-matter	Yes.
Article 2	Tasks of the ERDF	Yes.
Article 3	Scope of support from the ERDF	Yes.
Article 4	Thematic concentration	No, can only apply to the Investment for growth and jobs goal: specific mechanism foreseen in Article 5 ETC Regulation.
Article 5	Investment priorities	Yes, complemented by Article 6 ETC Regulation.
CHAPTER II	Indicators for ERDF support for the Investment for growth and jobs goal	Chapter does not apply except "as specifically provided".
Article 6	Indicators for the Investment for growth and jobs goal	No (specific provision in Article 15 ETC Regulation).
CHAPTER III	Specific provisions on the treatment of particular territorial features	Chapter does not apply except "as specifically provided".
Article 7	Sustainable urban development	Yes, specifically provided in Article 7(2)(c) ETC Regulation
Article 8	Urban development platform	No.
Article 9	Innovative Actions in the field of Sustainable Urban Development	No.
Article 10	Areas with natural or demographic handicaps	No.
Article 11	Outermost regions	No.
CHAPTER IV Articles 12-17	Final provisions	Chapter does not apply. ETC Regulation sets out its own provisions in Articles 29-33.