



Brussels, 9.9.2020
C(2020) 6256 final

COMMISSION IMPLEMENTING DECISION

of 9.9.2020

amending Implementing Decision C(2014) 10110 approving certain elements of the operational programme "Sustainability and Efficiency in the Use of Resources" for support from the Cohesion Fund under the Investment for growth and jobs goal in Portugal

CCI 2014PT16CFOP001

(ONLY THE ENGLISH TEXT IS AUTHENTIC)

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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 1083/2006¹, and in particular Article 96(10) thereof,

Whereas:

- (1) By Commission Implementing Decision C(2014) 10110, as last amended by Commission Implementing Decision C(2018) 8379, certain elements of the operational programme "Sustainability and Efficiency in the Use of Resources" for support from the Cohesion Fund under the Investment for growth and jobs goal in Portugal were approved.
- (2) On 19 August 2020 Portugal submitted, through the electronic data exchange system of the Commission, a request for an amendment to the operational programme. The request was accompanied by a revised operational programme, in which Portugal proposed an amendment to the elements of the operational programme referred to in points (a), (b)(ii) to (v), (c)(iii) and (d) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013, all subject to Implementing Decision C(2014) 10110.
- (3) Pursuant to Article 25a(1) of Regulation (EU) No 1303/2013, Portugal requests to apply a co-financing rate of 100% to expenditure declared in payment applications during the accounting year starting on 1 July 2020 and ending on 30 June 2021 for all priority axes of this operational programme.
- (4) Pursuant to Article 25a(2) of Regulation (EU) No 1303/2013, Portugal requests the transfer of the resources available for programming for the year 2020 from the Cohesion Fund to the European Social Fund ('ESF') from this operational programme to the operational programme "Human Capital" (CCI 2014PT05SFOP001). The

¹ OJ L 347, 20.12.2013, p. 320.

transfer of resources does not include a change in the allocation by category of regions.

- (5) The amendment to the operational programme also consists in a transfer of EUR 2 000 000 from priority axis 3 "Preserving and protecting the environment and promoting resource efficiency" to priority axis 2 "Promoting climate change adaptation, risk prevention and management" within this operational programme.
- (6) In addition, the amendment to the operational programme consists in the modification of the expected results under investment priority 4i; in minor modifications of some result indicators in priority axes 1 "Supporting the shift towards a low-carbon economy in all sectors", 2 and 3; in the introduction of new types of actions to be supported and a new type of beneficiaries under investment priority 4i; in the modification of some guiding principles for the selection of operations under investment priorities 4i and 4iii; in the modification in the description of the type of actions under investment priority 4iii; in the introduction of new types of actions to be supported under investment priority 4v; in the modification of output indicators in priority axes 1 and 3; in the modification of some financial and output indicators to be used as targets in the performance framework for priority axes 1, 2 and 3; in the modification of the description of actions concerning priority axis 4 "Technical assistance"; as well as in some minor corrections and clarifications in the text of the operational programme.
- (7) In accordance with Article 30(1) of Regulation (EU) No 1303/2013, the request for the amendment to the operational programme is duly justified by the need to provide an effective and immediate response to the current public health and economic crisis related to the COVID-19 outbreak and to temporarily alleviate the burden on public budgets responding to the crisis situation. The request to transfer resources of EUR 50 000 000 from the Cohesion Fund to the ESF is duly justified by the need to reinforce the operational programme "Human Capital" so as to allow it to adequately finance the School Digital Programme in response to the COVID-19 outbreak. The request for the amendment to the operational programme concerning targets of the performance framework is also duly justified by the need to revise incorrect assumptions leading to under or overestimation of targets. The request for the amendment to the operational programme sets out the expected impact of the changes to the programme on achieving the Union's strategy for smart, sustainable and inclusive growth and the specific objectives defined in the programme, taking account of Regulation (EU) No 1303/2013, Regulation (EU) No 1300/2013 of the European Parliament and of the Council², and the horizontal principles referred to in Articles 5, 7 and 8 of Regulation (EU) No 1303/2013.
- (8) In accordance with point (e) of Article 110(2) of Regulation (EU) No 1303/2013, the monitoring committee by written procedure on 6 August 2020 examined and approved the proposal for the amendment to the operational programme, taking into account the text of the revised operational programme and its financing plan.
- (9) The Commission assessed the revised operational programme and did not make observations pursuant to the second sentence of the first subparagraph of Article 30(2) of Regulation (EU) No 1303/2013.

² 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).

- (10) The amended elements of the revised operational programme subject to the Commission's approval under Article 96(10) of Regulation (EU) No 1303/2013 should therefore be approved.
- (11) For reasons of clarity, it is appropriate to indicate the date as of which expenditure that is not related to operations fostering crisis response capacities in the context of the COVID-19 outbreak but becomes eligible as a result of the amendment to the operational programme is to be eligible in accordance with Article 65(9) of Regulation (EU) No 1303/2013.
- (12) Implementing Decision C(2014) 10110 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision C(2014) 10110 is amended as follows:

1. in Article 1, the introductory sentence is replaced by the following:
"The following elements of the operational programme "Sustainability and Efficiency in the Use of Resources" for support from the Cohesion Fund under the Investment for growth and jobs goal in Portugal for the period from 1 January 2014 to 31 December 2020, submitted in its final version on 11 December 2014, as last amended by the revised operational programme submitted in its final version on 19 August 2020, are hereby approved:";
2. in Article 4, paragraph 2 is replaced by the following:
"2. The total financial appropriation for the operational programme is set at EUR 2 202 742 164, to be financed from the budget line 13 04 60 (Cohesion Fund) in accordance with the nomenclature of the General Budget of the European Union for 2014.";
3. Annex I is replaced by the text set out in Annex I to this Decision;
4. Annex II is replaced by the text set out in Annex II to this Decision.

Article 2

Expenditure that is not related to operations fostering crisis response capacities in the context of the COVID-19 outbreak but becomes eligible as a result of the amendment to the operational programme "Sustainability and Efficiency in the Use of Resources" approved by this Decision is eligible from 19 August 2020.

Article 3

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 9.9.2020

For the Commission
Elisa FERREIRA
Member of the Commission

CERTIFIED COPY
For the Secretary-General

Martine DEPRez
Director of the Registry
EUROPEAN COMMISSION

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ANNEX II

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Total financial appropriation for the support from the Cohesion Fund, the national co-financing for the operational programme and for each priority axis and the amounts related to the performance reserve

Priority axis	Fund	Category of region	Basis for calculation of Union support (Total eligible cost or public eligible cost)	Union support (a)	National counterpart (b) = (c) + (d)	Indicative breakdown of national counterpart		Total funding (e) = (a) + (b)	Co-financing rate (f) = (a) / (e) (2)	100% CO-FINANCING RATE FOR ACCOUNTING YEAR 2020-2021 (3)	EIB contributions (g)	Main allocation		Performance reserve		Performance reserve amount as proportion of total Union support (l) = (j) / (a) * 100
						National public funding (c)	National private funding (d) (1)					Union support (h) = (a) - (j)	National Counterpart (i) = (b) - (k)	Union support (j)	National Counterpart (k) = (b) * ((j) / (a))	
1	CF		Total	737,000,000	130,058,824.00	114,735,267	15,323,557	867,058,824.00	84.99%	✓		690,559,554.00	121,863,451.00	46,440,446	8,195,373.00	6.30%
2	CF		Total	428,242,164	75,572,147.00	70,423,758	5,148,389	503,814,311.00	84.99%	✓		402,093,054.00	70,957,598.00	26,149,110	4,614,549.00	6.11%
3	CF		Total	992,700,000	175,182,353.00	157,670,240	17,512,113	1,167,882,353.00	84.99%	✓		930,125,026.00	164,139,711.00	62,574,974	11,042,642.00	6.30%
4	CF		Public	44,800,000	7,905,883.00	7,905,883	0	52,705,883.00	84.99%	✓		44,800,000.00	7,905,883.00			
Total	CF			2,202,742,164	388,719,207.00	350,735,148	37,984,059	2,591,461,371.00	84.99%			2,067,577,634.00	364,866,643.00	135,164,530	23,852,564.00	6.14%
Grand total				2,202,742,164	388,719,207.00	350,735,148	37,984,059	2,591,461,371.00	84.99%		0	2,067,577,634.00	364,866,643.00	135,164,530	23,852,564.00	

(1) To be completed only when priority axes are expressed in total costs.

(2) This rate may be rounded to the nearest whole number in the table. The precise rate used to reimburse payments is the ratio (f).

(3) By ticking the box the Member State requests to apply, pursuant to Article 25a(1) of Regulation (EU) No 1303/2013, a co-financing rate of 100% to expenditure declared in payment applications during the accounting year starting on 1 July 2020 and ending on 30 June 2021 for all /some of the priority axes of the operational programme.

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