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| Subject:  Funding MSFD Bulgaria and Romania |  |  |
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1. Introduction

Following the discussion and co-financing needs identified during the CBE on Funding 28 March, in this document further suggestions have been included regarding guidance on co-financing by EMFF and Regional Funds for the implementation of MSFD in Bulgaria and Romania.

This guidance has been developed using information from the following documents:

* Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Maritime and Fisheries Fund [repealing Council Regulation (EC) No 1198/2006 and Council Regulation(EC) No 861/2006 and Council Regulation No XXX/2011 on integrated maritime policy
* Amended proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Maritime and Fisheries Fund [repealing Council Regulation (EC) No 1198/2006 and Council Regulation(EC) No 861/2006 and Council Regulation No XXX/2011 on integrated maritime policy] (06.02.2014)
* Draft template and guidelines on the content of the EMFF operational programme 2014-2020 (version 7.03.2014).
* REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on specific provisions concerning the European Regional Development Fund and the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006
* [Website DG Regio Cohesion Policy](http://ec.europa.eu/regional_policy/what/future/index_en.cfm)
* 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."
* Regulation (EU) No 1303/2013: Common Provisions Regulation of the five European Structural and Investment Funds (ERDF, ESF, Cohesion Fund, EAFRD and EMFF)
* Draft guidelines for the content of the operational programme (ERDF/CF/ESF) 2014-2020 (version 14.03.2014)
* MSFD Co-financing scan (task 1.2). ARCADIS, 2014

The guidance has been developed following the structure of the draft guidelines for the content of the operational programmes of the EMFF and the Regional Funds (specifically ERDF and CF).

In the following sections checklist items for EMFF OP and RF OP have been included.

A separate Excel document has been produced containing these checklist items for both EMFF and ERDF/CF and related worksheets, containing background information as referred to in specific checklist items.

2. Guidance on OP EMFF

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| **Check** | **Part** | **Chapter** | **Title** | **Specific section** | **Check** | **Type of check** |
| 1 | I | - | Introdution | General Context | Status Partnership Agreement (PA) | Have the relevant Union Priorities and Thematic Objectives for EMFF (TO 3,4,6, 8) been included in the PA? If not, this is a show stopper. |
| 2 | II | 1.2 | Ex ante evaluation | 1.2.2 | Ex ante evaluation / intervention logic / topics | The topics, based on the ex-ante evaluation are pre-defined by the COM (check with DG Mare). These topics should also cover MSFD. |
| 3 | II | 2.1 | SWOT / identification of needs | - | MSFD related needs addressed | Include identified MSFD pressures and other needs (e.g. capacity building) |
| 4 | II | 2.1 | SWOT / identification of needs | Table | GES / MSFD | Consistency of SWOT outcome with GES by developing and implementing MSFD |
| 5 | II | 3.1 | Description of OP strategy |  | MSFD measures included | Have MSFD measures been selected, fitting in the types of measures of the EMFF Intervention Logic? Advice on MSFD types of measures fitting EMFF Intervention Logic. Refer to 'Types of MSFD measures' and 'EMFF\_MSFD' sheet. |
| 6 | II | 3.2 | Objectives and result indicators | Table | MSFD relevance of indicators | Indicators to be selected from a pre-defined list by the COM (check DG Mare). This list should include relevant MSFD types of indicators. |
| 7 | II | 3.3 | Measures and output indicators | Table | MSFD relevance of measures | Measures to be selected from a pre-defined list by the COM (check with DG Mare). This list should contain relevant MSFD types of measures. |
| 8 | II | 3.4 | Complementarity with other ESI funds | 3.4.1 | Possibilities combining multiple ESI funding | Can other ESI funding be attracted to co-finance measures? Refer to checklist OP Regional Funds. |
| 9 | II | 4.1 | Specific needs of Natura 2000 areas | - | Marine N2000 needs incorporated in SWOT | Consistency with identified MSFD pressures and needs (check 3). |
| 10 | II | 4.7 | Technical Assistance |  | MSFD content of Article 79 (a) | If MS consider this type of assistance, the content should be described according to EMFF regulation. |
| 11 | II | 8.2 | EMFF contribution and co-financing | Table | Costs of measures | Rough estimate of proposed MSFD measures should be available |
| 12 | II | 8.2 | EMFF contribution and co-financing | Table | Amount of national co-financing | How much can be co-funded by the MS themselves, taking into account EMFF-co funding rates and other (ESI) sources of funding. Refer also to checks 12 and 14 of the RF\_OP template. |
| 13 | II | 8.2 | EMFF contribution and co-financing | Table | Amount of other ESI-funding | Probably the net EMFF funding (excluding other (ESI) funding) should be included. Check with DG Mare. [[1]](#footnote-1) |
| 14 | II | 13 | Data collection | 13.1 | Data collection activities | What MSFD related data is necessary, based on the needs identified in check 3. |
| 15 | II | 13 | Data collection | 13.2 / 13.3 | Data storage methods, management and use | How will the relevant data be stored and managed? Refer to using DCF framework. |
| 16 | II | 14 | Financial instruments | 14.1 / 14.2 / 14.3 | MSFD measures entailing use of financial instrument | This may be the case e.g. in 'economic incentive' type of measure (refer to 'Types of MSFD measures' sheet). If so, specify measures and amounts. |

4. Guidance on OP Regional Funds (ERDF/CF)

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| **Check** | **Part** | **Chapter** | **Title** | **Specific section** | **Check** | **Type of check** |
| 1 | 1 | 1.1.1 | Description of programme's strategy | -- | Relevant regional and national needs, relating to Country Position Paper | Have MSFD-needs / pressures been taken account of in Partnership Agreement and CPS? If not, this is show stopper for getting any RF-based funding for MSFD measures |
| 2 | 1 | 1.1.2 | Thematic objectives / investment priorities | Table 1 | MSFD-related Thematic Objectives (TO's) should be listed | Concerns TO1, 5, 6, 7 and 11 (refer to ERDF\_MSFD and CF\_MSFD work sheets). Especially TO6 is relevant. These TO's must be mentioned in the CPP. |
| 3 | 1 | 1.2 | Justification of financial allocation | -- | Split up of ERDF and CF funds according to investment priorities | MSFD related investment priorities should be included. These must follow from the specification in Section 2 (refer to check 6). |
| 4 | 2 | 2A | Description of priority axes (other than TA) | 2A1 | Relevant MSFD related priority axes should be included and detailed down | Suggested priority axes, relevant for MSFD: waste water, biodiversity, Natura 2000, Green Infrastructure and ecosystem services. |
| 5 | 2 | 2A | Priority axes covering > 1 region, TO or fund | 2A2 | Are multiple regions, funds or TO's considered? | TO 5 and 6 are both relevant for ERDF environmental investments, so this section must be filled in. The same applies for MS that can apply both for ERDF and CF funding. |
| 6 | 2 | 2A | Investment priorities | 2A4 | Relevant MSFD related investment priorities are included | Suggested relevant investment priorities: a) investment in the water sector to meet the requirements of the environmental acquis; b) protecting biodiversity, c) promoting ecosystem services including NATURA 2000 and green infrastructures. |
| 7 | 2 | 2A | Objectives corresponding to investment priorities | 2A5 + table 3 | Relevant objectives and result indicators should be mentioned | Objectives should relate to 'filling the gaps' as identified in the MSFD-needs / pressures (refer also to check 1). |
| 8 | 2 | 2A | Actions under the investment priorities | 2A6 | Proposed MSFD related actions (= interventions = measures) and output indicators | Advice on types of measures to be proposed. Check 'ERDF\_MSFD', 'CF\_MSFD' and 'Types of MSFD measures' work sheets. |
| 9 | 2 | 2A | Categories of intervention | 2A9, Tables 7-11 | Amounts per intervention for MSFD-related codes should be entered, as specified in OJ L 69, 8.03.2014, p. 65 | Codes for 'intervention field' mainly related to 'environmental infrastucture' in cluster II and 'environment'in cluster IV |
| 10 | 2 | 2A | Planned use of technical assistance | 2A10 | Is technical assistance required for implementing the interventions as indicated in the prior chapters? | If so, this should be specified in this section. |
| 11 | 2 | 2B | Descriptions of priority axes for TA | 2B1-7 | In principle the same checks as for section 2A (checks 4-9), but now for the TA part | This section holds for the more general TA. If MSFD specific measures are covered in section 2A (including the TA-part in 2A10), section 2B can be skipped.[[2]](#footnote-2) |
| 12 | 3 | 3.2 | Total financial appropriation by fund and national co-funding | Table 18a | Costs of measures and amount of national co-funding | Rough estimate of costs of proposed MSFD measures, allocation of costs by union support (ERDF and/or CF co-funding) and co-funding by MS (national counterpart). |
| 13 | 4 | 4.5 | Sea basin strategies | -- | In case a sea basin strategy is relevant for MS, how has this been taken into account? | Has a sea basin strategy (e.g. Black Sea) taken into account in definition of objectives and types of actions? Refer to checks 7 and 8. |
| 14 | 8 | -- | Coordination between funds | -- | How is coordination established between use of multiple funds? | This concerns coordination between ERDF/CF, LIFE, Horizon 2020 and national co-funding.[[3]](#footnote-3) |

1. NOTE: concerning the issue of co-financing by other EU funding mechanisms (e.g. LIFE, Horizon 2020 and Regional Funds) probably the same argument applies as stated under checklist item 14 of the RF OP. [↑](#footnote-ref-1)
2. Observations from DG Regio Contact Points of DG ENV concerning checklist item 11:

   Section 2A (overall) refers to "A description of the priority axes other than technical assistance" (e.g. Priority Axis: Research and Innovation; Priority Axis: SME Competitiveness; Priority Axis: Renewable Energy and Energy Efficiency and so on, depending on the MS and OP). Specifically under point 2A(10) one might expect the reference to the planned use of the technical assistance (only necessary where the MS plans specific uses for the technical assistance in connection with the particular priority axes e.g. specific actions to increase the administrative capacity of the bodies implementing the priority axis). For example, under Thematic Objective 7, (e.g. priority axis transport), OP may support capacity-building for planning, implementing and managing projects for railway infrastructure and so on. I understand that the financial support for these specific technical assistance actions will come from the Technical Assistance priority axis (see description below).

   Section 2B refers to "Description of the priority axes for technical assistance" (e.g. Priority Axis: Technical assistance). Based on experience with several operational programmes so far, DG Regio uses a separate priority axis on technical assistance. Technical assistance is an essential means to help operational programme delivery, through providing staff, training, process tool and other resources linked to the management of the funds. Specifically this applies to public procurement, environmental compliance, state aid compliance and statistical requirements. It is also for supporting actions to reduce the administrative burden for beneficiaries, for actions to reinforce the capacity of beneficiaries to use the ESI Funds, as well as for actions to reinforce the capacity of relevant partners. [↑](#footnote-ref-2)
3. Observations from DG Regio Contact Points of DG ENV concerning checklist item 14:

   ANNEX I (Common Strategic Framework) of the Common Provisions Regulation (http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1303&from=EN) addresses the issue of complementarity, including coordination with EMFF and LIFE programme. The template/OP (within Investments for Growth and Jobs) covers only cohesion policy funds, i.e. ERDF, ESF and CF so as such you would not expect to have any other two European Structural and Investment Funds – ESI Funds (i.e. EMFF and EAFRD) reflected in the budget breakdown. However, the Partnership Agreement, as provided in the Common Provisions Regulation (Art. 15), shall include: the indicative allocation of support by the Union by thematic objective at national level for each of the ESI Funds, as well as the total indicative amount of support envisaged for climate change objectives.

   LIFE is not part of the ESI Funds. Some LIFE provisions/references have been established at the level of Partnership Agreement and Operational Programmes. Taking into account the nature of Life Integrated projects, the Commission is not in position to suggest, as part of consultations on operational programmes, any specific LIFE integrated projects to be implemented by MSs, e.g. integrated project to implement Marine Strategy Framework Directive. In some case, however, MSs could possibly include some more details about the nature of Integrated project/s from their MS (depending on the status of preparations of such projects, etc.). [↑](#footnote-ref-3)