Commission Implementing Regulation (EU) 2020/891 of 26 June 2020 amending Implementing Regulation (EU) No 447/2014 as regards specific provisions to align the provisions for the implementation of cross-border cooperation programmes financed under the Instrument for Pre-accession Assistance (IPA) with specific measures in response to the COVID-19 pandemic

COMMISSION IMPLEMENTING REGULATION (EU) 2020/891

of 26 June 2020

amending Implementing Regulation (EU) No 447/2014 as regards specific provisions to align the provisions for the implementation of cross-border cooperation programmes financed under the Instrument for Pre-accession Assistance (IPA) with specific measures in response to the COVID-19 pandemic

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II)[(1)], and in particular Article 12 thereof,

Whereas:

(1) In accordance with Article 33 of Commission Implementing Regulation (EU) No 447/2014[(2)], the rules applicable to the European territorial cooperation goal (ETC) provided for in Regulations (EU) No 1303/2013[(3)] and (EU) No 1299/2013[(4)] of the European Parliament and of the Council shall apply.

(2) The implementation of cross-border cooperation programmes, both under the Instrument for Pre-accession Assistance (IPA II) and the ETC, has been affected by the consequences of the COVID-19 pandemic in an unprecedented manner. This has created an exceptional situation that needs to be addressed with specific measures. These measures should enable cross-border cooperation programmes under IPA II to contribute to respond to the rapidly emerging needs in a flexible and effective manner with regard to the most exposed sectors, such as healthcare, business including small and medium-sized enterprises and labour market, thus enhancing the socio-economic recovery in the programmes' areas.

(3) The specific measures introduced by Regulations (EU) 2020/460[(5)] and (EU) 2020/558[(6)] of the European Parliament and of the Council apply to the cross-border cooperation programmes under ETC and to the cross-border cooperation programmes under IPA II, as far as Articles 33 to 48 of Implementing Regulation (EU) No 447/2014 refer to provisions amended by Regulations (EU) 2020/460 and (EU) 2020/558. However, it is appropriate to also amend certain provisions of Implementing Regulation (EU) No 447/2014 not covered by those specific measures.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/891. (See end of Document for details)*

(4) With a view to alleviating the burden on public budgets responding to the COVID-19 pandemic, managing authorities should be given the exceptional possibility to request a co-financing rate of 100% to be applied for the accounting year 2020–2021, in accordance with budget appropriations and subject to available funding.

(5) In order to provide more flexibility in addressing the COVID-19 pandemic, more flexibility should be provided to Member States in programme implementation, and a simplified procedure not requiring a Commission decision should be provided for changes to cross-border cooperation programmes. The information to be submitted to the Commission about such changes should be clarified.

(6) Given the urgency of the situation related to the COVID-19 pandemic, it is appropriate to allow for the prompt application of the measures provided for in this Regulation, which should therefore enter into force on the day following that of its publication in the *Official Journal of the European Union*.

(7) Implementing Regulation (EU) No 447/2014 should therefore be amended accordingly.

(8) The measures provided for in this Regulation are in accordance with the opinion of the IPA II Committee established by Regulation (EU) No 231/2014,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 447/2014 is amended as follows:

(1) in Article 28, a new paragraph 2A is added:

2A. By way of derogation to paragraph 2, at the request of the managing authority, a co-financing rate of 100% may be applied to expenditure declared in payment applications during the accounting year starting 1 July 2020 and ending 30 June 2021 for one or more priority axes.

Request for modification of the co-financing rate shall be submitted in accordance with the procedure for the amendment of programmes set out in Article 31(5A) and shall be accompanied by a revised programme. The co-financing rate of 100% shall apply only if the relevant amendment of the cooperation programme is approved by the Commission before the submission of the final application for an interim payment in accordance with Article 135(2) of Regulation (EU) No 1303/2013.

On the first day of the accounting year starting 1 July 2021 and ending 30 June 2022, the co-financing rate shall come back automatically to the level it was on the day when the request for modification of the co-financing rate, referred to in the second subparagraph, was submitted to the Commission.;

(2) in Article 31, a new paragraph 5A is added:

5A. By way of derogation to paragraph 5, for cross-border cooperation programmes under point (a) of Article 27, the managing authority may transfer during the programming period an amount of up to 8% of the allocation as of 1 February 2020 of a priority and no more than 4% of the programme budget to another priority of the same programme. Such transfers shall not affect previous years.