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WORKING PAPER

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From: Presidency
To: JHA Counsellors on Financial Instruments

Subject: Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund
Proposal for a Regulation of the European Parliament and of the Council establishing, as part of the Integrated Border Management Fund, the instrument for financial support for border management and visa
Proposal for a Regulation of the European Parliament and of the Council establishing the Internal Security Fund
Common Provisions Regulation (CPR): Block 3 - Monitoring, evaluation, communication and visibility

With reference to CM 3771/20, delegations will find attached an extract from the provisional political agreement on Article 36 of the CPR ('Annual performance review') and on Article 40 (Evaluation by the Commission) .

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Common Provisions Regulation (CPR): Block 3 - Monitoring, evaluation, communication and visibility (Article 33-45)**Version:** Outcome of trilogue on 23 September 2020**Extract of Article 36 - Annual performance review****Extract of Article 40 - Evaluation by the Commission**

Commission proposal COM(2018)375	European Parliament's first reading (29/3/19)	Council position (COREPER partial mandate 3/4/19)	Compromise proposal, comments	Row
<i>Article 36 Annual performance review</i>	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding [no change]</i>	III - 38
1. An annual review meeting shall be organised between the Commission and each Member State to examine the performance of each programme.	<u>Amendment 227</u> 1. An annual review meeting shall be organised between the Commission and each Member State to examine the performance of each programme. <i>Managing authorities shall be duly involved in this process.</i>	1. An annual review meeting Review meetings shall be organised between the Commission and each Member State to examine the performance of each programme.	<i>Provisional common understanding</i> 1. An annual review meeting Review meetings shall be organised between the Commission and each Member State to examine the performance of each programme once a year. Relevant managing authorities shall participate in the review meetings.	III - 39
The annual review meeting shall be chaired by the Commission or, if the Member State so requests, co-chaired by the Member State and the Commission.	<i>[no change]</i>	The review meeting may cover more than one programme. The annual review meeting shall be chaired by the Commission or, if the Member State so requests, co-chaired by the Member State and the Commission.	<i>Provisional common understanding</i> The review meeting may cover more than one programme. The annual review meeting shall be chaired by the Commission or, if the Member State so requests, co-chaired by the Member State and the Commission.	III - 40
2. For programmes supported by the AMIF, the ISF and the BMVI, the review meeting shall be organised at	<i>[no change]</i>	2. For programmes supported by the AMIF, the ISF and the BMVI Funds , the review meeting shall be	<i>Provisional common understanding</i> 2. By way of derogation from the first subparagraph of paragraph 1, for	III - 41

Commission proposal COM(2018)375	European Parliament's first reading (29/3/19)	Council position (COREPER partial mandate 3/4/19)	Compromise proposal, comments	Row
least twice during the programming period.		organised at least twice during the programming period annually. The Member State and the Commission may agree not to organise an annual review meeting. In this case, the review may be carried out in writing.	programmes supported by the AMIF, the ISF and the BMVI, the review meeting shall be organised at least twice during the programming period.	
3. For programmes supported by the ERDF, the ESF+ and the Cohesion Fund, the Member State shall no later than one month before the annual review meeting provide the Commission with the information on the elements listed in Article 35(1).	<i>[no change]</i>	3. For programmes supported by the ERDF, the ESF+ and the Cohesion Fund Funds , the Member State shall no later than one month before the annual review meeting provide the Commission with the concise and updated information on related to the elements listed in Article 35(1) programme implementation.	<i>Provisional common understanding</i> For programmes supported by the EMFF , the ERDF, the ESF+ and the Cohesion Fund, the Member State shall no later than one month before the annual review meeting provide the Commission with the concise information on the elements listed in Article 35(1). This information shall be based on the most recent data available to the Member State. The Member State and the Commission may agree not to organise a review meeting. In this case, the review may be carried out in writing.	III - 42
For programmes under Article [4(1)(c)(vii)] of the ESF+ Regulation, the information to be provided shall be limited to points (a), (b), (e), (f) and (h) of Article 35(1).	<i>[no change]</i>	For programmes under Article [4(1)(c)(vii)] of the ESF+ Regulation, the information to be provided shall be limited to points (a), (b), (e), (f) and (h) of Article 35(1).	<i>Provisional common understanding</i> For programmes limited to the specific objective set out in under Article [4(1)(xie)(vii)] of the ESF+ Regulation, the information to be provided, based on the most recent data available,	III - 43

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			shall be limited to points (a), (b), (e), (f) and (h) of Article 35(1).	
4. The outcome of the annual review meeting shall be recorded in agreed minutes.	<i>[no change]</i>	<i>[no change]</i>	<i>Provisional common understanding</i> 4. The outcome of the annual review meeting shall be recorded in agreed minutes.	III - 44
5. The Member State shall follow up issues raised by the Commission and inform the Commission within three months of the measures taken.	<i>[no change]</i>	5. The Member State shall follow up issues raised by the Commission during the meeting, which significantly affect the implementation of the programme and inform the Commission within three months of the measures taken.	<i>Provisional common understanding</i> 5. The Member State shall follow up issues raised by the Commission during the review meeting which affect the implementation of the programme and inform the Commission within three months of the measures taken.	III - 45
6. For programmes supported by the EMFF, the AMF, the ISF and the BMVI, the Member State shall submit an annual performance report in accordance with the Fund-specific Regulations.	<u>Amendment 228</u> 6. For programmes supported by the EMFF, the AMF AMIF , the ISF and the BMVI, the Member State shall submit an annual performance report in accordance with the Fund-specific Regulations.	6. For programmes supported by the EMFF, the AMF, the ISF and the BMVI, the Member State shall submit an annual performance report in accordance with the Fund-specific Regulations.	<i>Provisional common understanding</i> 6. For programmes supported by the EMFF, the AMF AMIF , the ISF and the BMVI, the Member State shall submit an annual performance report in accordance with the Fund-specific Regulations.	III - 46

Commission proposal COM(2018)375	European Parliament's first reading (29/3/19)	Council position (COREPER partial mandate 3/4/19)	Compromise proposal, comments	Row
<p style="text-align: center;">Article 40 <i>Evaluation by the Commission</i></p>	<p><i>[no change]</i>¹</p>	<p><i>[no change]</i></p>	<p><i>Provisional common understanding</i> <i>[no change]</i> <i>Recital (30) is modified as follows:</i> “(30) In order to support the preparation of related programmes and activities of the next programming period, the Commission should carry out a mid-term assessment of the Funds. At the end of the programming period, the Commission should carry out retrospective evaluations of the Funds, which should focus on the impact of the Funds. The results of these evaluations should be made public.”</p>	<p>III - 79</p>
<p>1. The Commission shall carry out a mid-term evaluation to examine the effectiveness, efficiency, relevance, coherence and EU added value of each Fund by the end of 2024. The Commission may make use of all relevant information already available in accordance with Article [128] of the Financial Regulation.</p>	<p><i>[no change]</i></p>	<p><i>[no change]</i></p>	<p><i>Provisional common understanding</i> <i>[no change]</i></p>	<p>III - 80</p>

¹ EP position: Recital (30) is modified as follows: “(30) In order to support the preparation of related programmes and activities of the next programming period, the Commission should carry out a mid-term assessment of the Funds. At the end of the programming period, the Commission should carry out retrospective evaluations of the Funds, which should focus on the impact of the Funds. **The results of these evaluations should be made public.**”

Commission proposal COM(2018)375	European Parliament's first reading (29/3/19)	Council position (COREPER partial mandate 3/4/19)	Compromise proposal, comments	Row
2. The Commission shall carry out a retrospective evaluation to examine the effectiveness, efficiency, relevance, coherence and EU added value of each Fund by 31 December 2031.	<i>[no change]</i>	<i>[no change]</i>	<p><i>Provisional common understanding</i></p> <p>2. The Commission shall carry out a retrospective evaluation to examine the effectiveness, efficiency, relevance, coherence and EU added value of each Fund by 31 December 2031. In the case of the ERDF, the ESF+, the Cohesion Fund and the EMFF, this evaluation shall focus in particular on the social, economic and territorial impact of those funds in relation to the policy objectives referred to in Article 4(1).</p> <p>The Commission shall publish the results of the retrospective evaluation on its website.</p>	III - 81

Commission proposal COM(2018)375	European Parliament's first reading (29/3/19)	Council position (COREPER partial mandate 3/4/19)	Compromise proposal, comments	Row
	<p><u>Amendment 234</u></p> <p><i>2a. The evaluation referred to in paragraph 2 shall include an evaluation of the socio-economic impact and the funding needs under the policy objectives referred to in Article 4(1), within and among the programmes with a focus on a more competitive and smarter Europe by promoting innovative and smart economic transformation and a more connected Europe by enhancing mobility, including smart and sustainable mobility and regional ICT connectivity. The Commission shall publish the results of the evaluation on its website and communicate those results to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.</i></p>		<p><i>Provisional common understanding</i></p> <p>2a. The Commission shall publish the results of the evaluation on its website and communicate those results to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.</p> <p><i>Comment: first part of the EP AM covered in line III-81</i></p>	III - 82