

FICHE NO 3
IMPLEMENTING ACT ON FORMATS FOR MAJOR PROJECTS
VERSION NO 2 – 20/06/13

Regulation	Article
Common Provisions Regulation (CPR)	Article 91(1) Information necessary for the approval of major projects
	Article 92(1) Decision on a major project

This document is provisional, without prejudice to the on-going negotiations in the Trilogues between the European Parliament and the Council (in line with the principle that "nothing is agreed until everything is agreed"). This document is a draft that shall be adjusted following the expert meeting.

It does not prejudice the final nature of the basic act, nor the content of any delegated or implementing act that may be prepared by the Commission.

(1) EMPOWERMENT

Article 91 (1) of the CPR

"The Commission shall provide guidance on the methodology to be used in carrying out a quality review of a major project and shall establish the format for the submission of the information set out in Article 91 (a) to (i) by means of implementing acts".

Article 92 (1) of the CPR

"The Commission shall establish the format for the notification by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 143(3)" *[new procedure and empowerment proposed by the Council, pending discussions with the European Parliament]*.

(2) MAIN OBJECTIVES AND SCOPE

Article 91 CPR foresees two possibilities to assess major projects. The first option is an assessment of the major project by an independent expert which is followed by a notification of the Commission by the managing authority on the selection of the major project for support. In addition the complete appraisal by the Commission as carried out in this programming period (2007-2013) is still possible.

Article 91(1) CPR defines the information necessary for assessing the major project. Article 92 (1) defines the extent of information given in case of a notification. The implementing act will establish standard formats for these sets of information.

(3) MAIN ELEMENTS

The implementing act should set out:

- The format for information required by Article 91 (1) of CPR for the approval of major projects;
- The format for notification the Commission of the selected major project in accordance with Article 92(1) *[new procedure and empowerment proposed by the Council, pending discussions with the European Parliament]*.

(4) CONTENT

The information required before the major project is approved should include:

- (a) the body responsible for implementation of the major project, and its capacity;
- (b) a description of the investment and its location;
- (c) total cost and total eligible cost, taking account of the requirements set out in Article 54;
- (d) feasibility studies carried out, including the options analysis, and the results;
- (e) a cost-benefit analysis, including an economic and a financial analysis, and a risk assessment;
- (f) an analysis of the environmental impact, taking into account climate change adaptation and mitigation needs, and disaster resilience;
- (g) the consistency with the relevant priority axes of the operational programme or operational programmes concerned, and its expected contribution to achieving the specific objectives of those priority axes;
- (h) the financing plan showing the total planned financial resources and the planned support from the Funds, the EIB, and all other sources of financing, together with physical and financial indicators for monitoring progress, taking account of the identified risks;
- (i) the timetable for implementing the major project and, where the implementation period is expected to be longer than the programming period, the phases for which support from the Funds is requested during the 2014 to 2020 programming period.

The major project notification to the Commission of the selected major project (Article 92 (1) of the CPR) should include the following information: *[new procedure and empowerment proposed by the Council, pending discussions with the European Parliament]*

(a) the document referred to in Article 114(3)(c) setting out:

- (a) the body to be responsible for implementation of the major project;
- (b) a description of the investment, its location, timetable and expected contribution of the major project to the objectives of the relevant priority axis or axes;
- (c) total cost and total eligible cost, taking account of the requirements set out in Article 54 and;
- (d) the financing plan, and the physical and financial indicators for monitoring progress, taking account of identified risks;

(b) the quality review of the independent experts, providing clear statements on the investment's feasibility and economic viability.

(5) *MAIN CHANGES COMPARED TO THE PERIOD 2007-2013*

Summary table of main changes in the formats for data on major projects

2014-2020 format	2007-2013 format	Reason for change
Amended structure		Need to ensure consistency with CPR
Information on capacity of the body responsible to implement the project	Not required by Council Regulation 1083/2006	Art. 91 (1) (a) of CPR
Information on climate change issues	Not required by Council Regulation 1083/2006	Art.91(1) (f) of CPR
Calculation of Union contribution: 3 methods i.e. standard funding gap method, flat rate method and decreased co-financing rate method	Primarily based on funding gap method	Art.54(3)(b) of CPR Art.54(3)(a) of CPR Art.54(5) of CPR
Procurement plan including information on first works' contract	Information only partly required	Art.92 (3) of CPR

(6) *ANNEXES*

Annex 1: Format for information on major projects as set out in Article 91 (1) (a) to (i) CPR

Annex 2: Format for the notification of major projects as set out in Article 92 (1) CPR
[new procedure and empowerment proposed by the Council, pending discussions with the European Parliament]