



Germany

Legislation

Germany's ESIF-related legislation is largely based directly on the EC Regulation. The complete structure of the applicable legislation is as follows: 1) EC Regulation; 2) Federal laws; 3) State level laws; 4) ESIF specific legislation at the level of some states; 5) Methodological environment of individual implementing bodies; 6) Subordinate administrative decisions of the implementing bodies. In majority of states there was no need to adopt an ESIF specific legislation. In the case of the ESIF specific directive in Saxony, the preparations took a long time and included intensive discussions.



Positive aspects

- ▶ Clear structure of legislation between federal and state level
- ▶ Easier direct application of the EU regulations
- ▶ In terms of competences, the contracts governing cooperation between implementing institutions do not significantly differ from the Regulation
- ▶ Low incidence of irregularities

Negative aspects

- ▶ Difficulties in implementing simplified cost options (SCO) on federal level

Key aspects of the legislation

1

Approach towards irregularities

Irregularities are based directly on the Regulation. In general, the respondents understood the irregularity being closer to fraud, rather than administrative discrepancy. The resolution stands with Implementing Bodies, unduly paid funds are recovered through administrative decisions.

2

Methodological environment

Germany is trying to unify the ESIF and national funding methodology. In terms of detail, they do not usually deviate too much from the Regulation and rather deal with procedural anchoring of duties. The implementation manuals are usually made by the MAs, the most specific methodology is made by the Implementing Bodies.

3

Direct application of the EU Regulation

Germany is able to apply the EU Regulation directly without the need to adopt duplicate national legislation. Hence, there are no discrepancies between the European and national regulations; compliance with the Regulation is thus ensured.



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