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**COMMISSION IMPLEMENTING DECISION**

**of 7.7.2020**

**amending Implementing Decision C(2015) 4823 approving certain elements of the operational programme "Large Infrastructure" for support from the European Regional Development Fund and the Cohesion Fund under the Investment for growth and jobs goal in Romania**

**CCI 2014RO16M1OP001**

(ONLY THE ENGLISH TEXT IS AUTHENTIC)

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006<sup>1</sup>, and in particular Article 96(10) thereof,

Whereas:

- (1) By Commission Implementing Decision C(2015) 4823, as last amended by Commission Implementing Decision C(2020) 2016, certain elements of the operational programme "Large Infrastructure" for support from the European Regional Development Fund ('ERDF') and the Cohesion Fund under the Investment for growth and jobs goal in Romania were approved.
- (2) On 5 June 2020 Romania submitted, through the electronic data exchange system of the Commission, a request for an amendment to the operational programme. The request was accompanied by a revised operational programme, in which Romania proposed an amendment to the elements of the operational programme referred to in points (a), (b)(i) to (v), and (d) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013, all subject to Implementing Decision C(2015) 4823.
- (3) Pursuant to Article 25a(1) of Regulation (EU) No 1303/2013, Romania requests to apply a co-financing rate of 100% to expenditure declared in payment applications during the accounting year starting on 1 July 2020 and ending on 30 June 2021 for all priority axes of this operational programme.
- (4) Pursuant to Article 25a(2) of Regulation (EU) No 1303/2013, Romania requests the transfer from the resources available for programming for the year 2020 from the Cohesion Fund to the ERDF within this operational programme and from this operational programme to operational programme "Competitiveness" (CCI 2014RO16RFOP001).

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<sup>1</sup> OJ L 347, 20.12.2013, p. 320.

- (5) Pursuant to Article 25a(3) of Regulation (EU) No 1303/2013, Romania requests the transfer of the ERDF resources available for programming for the year 2020 from the less developed regions category to the more developed regions category within this operational programme and from this operational programme to operational programmes "Competitiveness" (CCI 2014RO16RFOP001) and "Technical Assistance" (CCI 2014RO16RFTA001).
- (6) The amendment to the operational programme also consists of the reallocation of the ERDF resources from priority axes 4 "Environmental protection through measures to preserve biodiversity, air quality monitoring and remediation of historically contaminated sites" and 6 "Clean energy and energy efficiency in order to support a low carbon economy" to priority axis 8 "Smart and sustainable systems for electricity and gas"; extending the types of eligible actions and beneficiaries under priority axes 1 "Improving mobility through the development of the TEN-T network and metro system", 3 "Environmental infrastructure development based on an efficient management of resources" and 8; as well as changes to indicators to reflect the transfers of resources.
- (7) In accordance with Article 30(1) of Regulation (EU) No 1303/2013, the request for the amendment to the operational programme is duly justified by the need to provide an effective and immediate response to the current public health crisis related to the COVID-19 outbreak. The request to transfer resources from the Cohesion Fund to the ERDF is duly justified by the fact that these necessary exceptional investments are beyond the scope of support of the Cohesion Fund. The request for transfer from the less developed to the more developed regions category is duly justified by the fact that medical units in more developed agglomerations serve as main healthcare centers for the response to the health crisis. The other modifications are justified by the need to align the interventions to the financial reallocations and to speed up implementation in some areas. The amendment to the operational programme sets out the expected impact of the changes to the programme on achieving the Union's strategy for smart, sustainable and inclusive growth and the specific objectives defined in the programme, taking account of Regulation (EU) No 1303/2013, Regulations (EU) No 1300/2013<sup>2</sup> and (EU) No 1301/2013<sup>3</sup> of the European Parliament and of the Council, as well as of the horizontal principles referred to in Articles 5, 7 and 8 of Regulation (EU) No 1303/2013.
- (8) In accordance with point (e) of Article 110(2) of Regulation (EU) No 1303/2013, the monitoring committee by written procedures on 11 May 2020 and 4 June 2020 examined and approved the proposal for the amendment to the operational programme, taking into account the text of the revised operational programme and its financing plan.
- (9) The Commission assessed the revised operational programme and did not make observations pursuant to the second sentence of the first subparagraph of Article 30(2) of Regulation (EU) No 1303/2013. Nevertheless, Romania provided supplementary information between 5 May 2020 and 16 June 2020 and submitted a modified version of the revised operational programme on 23 June 2020.

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<sup>2</sup> 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 (OJ L 347, 20.12.2013, p. 281).

<sup>3</sup> Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013 on the European Regional Development Fund and on specific provisions concerning the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006 (OJ L 347, 20.12.2013, p. 289).

- (10) The amended elements of the revised operational programme subject to the Commission's approval under Article 96(10) of Regulation (EU) No 1303/2013 should therefore be approved.
- (11) For reasons of clarity, it is appropriate to indicate the date as of which expenditure that is not related to operations fostering crisis response capacities in the context of the COVID-19 outbreak but becomes eligible as a result of the amendment to the operational programme is to be eligible in accordance with Article 65(9) of Regulation (EU) No 1303/2013.
- (12) Implementing Decision C(2015) 4823 should therefore be amended accordingly,
- HAS ADOPTED THIS DECISION:

#### *Article 1*

Implementing Decision C(2015) 4823 is amended as follows:

1. in Article 1, the introductory sentence is replaced by the following:

"The following elements of the operational programme "Large Infrastructure" for joint support from the ERDF and the Cohesion Fund under the Investment for growth and jobs goal in Romania for the period from 1 January 2014 to 31 December 2020, submitted in its final version on 15 June 2015, as last amended by the revised operational programme submitted in its final version on 23 June 2020, are hereby approved:";
2. in Article 4, paragraph 2 is replaced by the following:

"2. The total financial appropriation for the operational programme is set at EUR 8 638 524 484 to be financed from the following specific budget lines in accordance with the nomenclature of the General Budget of the European Union for 2014

13 03 60: EUR 1 998 527 507 (ERDF – Less developed regions);

13 03 62: EUR 105 000 000 (ERDF – More developed regions);

13 04 60: EUR 6 534 996 977 (Cohesion Fund).";
3. Annex I is replaced by the text set out in Annex I to this Decision;
4. Annex II is replaced by the text set out in Annex II to this Decision.

#### *Article 2*

Expenditure that is not related to operations fostering crisis response capacities in the context of the COVID-19 outbreak but becomes eligible as a result of the amendment to the operational programme "Large Infrastructure" approved by this Decision is eligible from 5 June 2020.

*Article 3*

This Decision is addressed to Romania.

Done at Brussels, 7.7.2020

*For the Commission*

*Elisa FERREIRA*

*Member of the Commission*

