

## Replies to the Slovak, Czech, Hungarian and Slovenian questions on the 2007-2013 programmes closure

*DISCLAIMER: This draft working document is based on questions submitted by the Slovak, Czech, Slovenian and Hungarian authorities to the Commission in the context of closure workshops. It comprises of draft replies of the Commission. The aim is to provide the Commission's explanations and interpretations of the rules in order to facilitate closure of operational programmes and encourage good practice. However, the answers in no way take precedence over the rules set out in the relevant Union legislation or in the Closure Guidelines*

Q	Topic	Reference to the Guidelines	Question	Answers
1	Preparation		CZ: Could the EC provide us with a schedule that takes into account the terms of the Guidelines relating to operational programmes or priority axes within the operational programmes?	All deadlines are in the regulatory provisions and the Closure Guidelines and the presentation covers the main relevant deadlines. An overview of deadlines is be attached to the Q&A document.
2	Evaluation		CZ: What is the role of the evaluation in the closure process, especially of the ex-post evaluation? The evaluation is not mentioned in the document at all.	There is no direct link between ex post evaluation and closure. Ex post evaluation will be carried out by the Commission by 31 December 2015. It will cover all operational programmes under each objective in close cooperation with the Member State and managing authorities. It will examine what cohesion policy is delivering, the extent to which resources were used, the effectiveness and efficiency of Fund programming and the socio-economic impact.
3	Deadline for commitment	2.2	SI: Nowhere does the general <i>Regulation 1083/2006</i> or the implementation <i>Regulation 1028/2006</i> explicitly define the deadline for commitment (2013/2015).	General Regulation specifies in Article 18 and 75 that there are no financial commitments at programme level after 2013 as regards the 2007-2013 period. As for commitments at project level, there are no deadlines specified in the regulatory framework (see reply 5).
4	Amendment of Commission decisions for programmes	2.2	SI: If we decide for a 10% transfer of resources between Funds – does the OP need to be amended?	Yes, any change of a financial plan (in this case change of financial plans of the concerned programmes) will be subject to a programme modification (which induces upfront an opinion of the monitoring committee). In the case of transfer between Funds it is noteworthy that the decision has to be taken by the Commission before the 31 December 2013 which implies that the request is submitted by the 30 September 2013. In addition to that, no change of resources between ERDF/ESF and CF (and vice versa) is possible as the CF allocation is fixed at national level.

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5	Eligibility of expenditure	3.1	<p>SI: Can funds be awarded and commitments made also in 2014 and 2015; we are definitely aware that the eligibility period for expenditure is by 31 December 2015?</p> <p>SI: Commitments by the end of 2013: does this mean that the funds have to be tendered by the end of 2013 and the major projects submitted to the EC by the end of 2013?</p>	<p>There is no time limit for selecting operations or tendering, the only limit concerns the eligibility of expenditure. In another words it is possible to adopt operations (incl. major projects) also in years 2014 and 2015, but it should be reminded that the final date for eligibility of expenditure is 31 December 2015 and the expenditure has to be actually paid by that date in order to be eligible. Member States should be careful when selecting and implementing operations shortly before the end of eligibility period.</p>
6	Eligibility of expenditure	3.1	<p>SK: How to refund salaries for the month of December 2015 since the expenditures are eligible only up to 31.12.2015 and salaries are supposed to be paid in January 2016?</p> <p>HU: Wage costs will still emerge in December 2015, and these types of costs cannot be paid by the eligibility deadline. How can these types of costs be made eligible?</p> <p>CZ: The final date of eligibility of expenditures is set for 31. 12. 2015 – is it considered as a date when final payment is credited to the supplier's account, the date of deduction of final payment from beneficiary's account or the date when the invoice is issued?</p>	<p>The question is currently under discussion between the different services of the Commission</p>
7	Eligibility of expenditure	3.1	<p>HU: In case of direct payment to suppliers, is it acceptable if beneficiaries pay own-contribution until this deadline and the assistance part will be paid afterwards?</p> <p>Are continuous performance contracts acceptable for eligibility of services provided</p>	<p>No, the EU assistance part needs to be paid by the beneficiary by the end of the eligibility period in accordance with Article 78(1). No payment by beneficiaries after 31/12/2015 is possible, otherwise expenditure is not eligible. Beneficiary should receive the total amount of public contribution as quickly as possible and in full.</p> <p>In the case of non-eligible expenditure which is not included in the statement of expenditure certified by the certifying authority, it could be paid by a beneficiary after the final date of eligibility, but before the submission of the closure documents, provided the project as described in the granting (Commission) decision, is completed and in use by the date for submission of the closure documents.</p> <p>Yes, provided the payment by the beneficiaries will be made by the end of the eligibility</p>

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			in December 2015?	period.
8	Definition of completed project (non-functioning project)	3.1, 3.2, 3.5	<p>CZ: We would like to ask for the definition of completed project.</p> <p>HU: specification of "the project is completed and in use"</p>	<p>Article 2(3) defines an 'operation': a project or group of projects selected by the managing authority of the operational programme concerned or under its responsibility according to criteria laid down by the monitoring committee and implemented by one or more beneficiaries allowing achievement of the goals of the priority axis to which it relates.</p> <p>The Closure Guidelines follow these regulatory provisions, specifying in chapter 3.2 when major project is considered to be eligible and functioning: "Activities actually carried out" means no further activities required to complete the operation, works are completed and received in conformity with the requirements foreseen by the national legislation and/or in the grant agreement.</p> <p>The national rules on reception of works shall therefore be followed in order to assess the completion of projects.</p> <p>A project is in use when it is operated according to its purpose which is according to footnote 7 of the Closure guidelines without regard to the performance.</p>
9	Phasing of major projects	3.3	<p>SK: The request for confirmation of assistance submitted to EC via SFC2007 has to be submitted for the whole duration of project or will it be necessary to submit separate requests for each phase? Would it be technically possible in SFC2007 to submit request for confirmation of assistance with the timetable of implementation going beyond 31.12.2015?</p>	<p>As stated in the COCOF note on major projects spanning over two programming periods, "the major project application should provide the description of the phase which will be implemented in the 2007-13 programming period and make reference to the subsequent project phases and their implementation timetable in view of the completion of the entire project.</p> <p>If a major project implementation starts in the 2007-2013 period, both phases should be calculated together in order to establish total eligible costs; even if the Member State intends to phase this project it has to fill in a major project application for the whole project, including the phase to be implemented in the 2014-2020 period (Annex XXI or Annex XXII of the Implementing Regulation). However the Commission decision adopted on the basis of Article 40 of the General Regulation will specifically cover phase one of the project.</p> <p>Where the division into phases is necessary, the managing authority should specify the criteria which have been used to determine the division of the project into phases (section B.4.1).</p> <p>For the purpose of defining major projects in the 2014-2020 period, the Common Provisions Regulation (CPR) is applicable. If the precondition that an operation comprises "a series of works, activities or services intended in itself to accomplish an indivisible task of a precise economic or technical nature which has clearly identified goals" is fulfilled and its financial volume reaches the ceilings provided in the CPR, then it is a major project.</p>

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				<p>As regards the approval of the second phase of the major project in the 2014-2020 period, a new major project application (or a notification) will have to be submitted to the Commission. If the conditions of Article 92bis are met, the Member States will benefit from the simplified approval of the second phase of a major project, i.e. without the requirement for an assessment of the information by independent experts.</p> <p>SFC2007 will be prepared for the possibility of receiving project applications divided in phases where completion of the project will be achieved in the 2014-2020 programming period.</p>
10	Phasing of major projects	3.3	Phasing of major projects and modification of OPs: Before including a phased project in a proposal for modification of an OP, is it necessary to obtain first a formal agreement of the EC on the proposed phased of a major project?	If the phasing has an impact on the OP objectives the agreement on the modification decisions (OP and MP) can be obtained in parallel.
11	Phasing of major projects	3.3	Modification EC decisions - major projects: In case of project phasing without impact on the financing gap, is it nevertheless required to prepare a revision of the CBA as a part of the application for modification of an EC decision?	As stated already in the COCOF guidance note (12-0047-03) on major projects spanning over two programming periods, a separate CBA may not be required where the CBA relates to the whole project. The Common Provision Regulation (EU) 1303/2013 foresees under Article 103 a simplified approval procedure for phased projects if there are no substantial changes to be reported (no quality review by independent experts required).
12	Phasing	3.3, 3.4	<p>SK: How to measure indicators in case of phasing? Shall we keep track of only (proportionally decreased) result indicators for the first phase? (Impact could be considered only after completion of both phases)</p> <p>HU: How can indicators be divided between the two planning periods?</p>	<p>It is highly probable, that in case of the phasing, not all indicators, originally expected to be met, will be reached at the closure of the first phase. Nevertheless, the Implementing Regulation requests for the major projects, incl. phased ones, to report on "their key output and result indicators, including, where relevant, the core indicators laid down in the Commission decision on the major project" in the final implementation report.</p> <p>For the phased major project, a Member State should elaborate a major project modification request or a new major project application referring to phasing. Such a request should include a proposal of two clearly identifiable stages as regards their physical and financial objectives (including definition of purpose, description of activities, milestones, deliverables, indicators), it should specify the criteria that have been used to determine the division of the project into phases and finally it must allow to audit the major project phases individually with regard to their physical objects, the allocated amounts</p>

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				<p>and the results achieved. Moreover, a major project modification may also include a proposal to (re-) define the relevant indicators on the basis of a case-by-case assessment carried out by the beneficiary and managing authority.</p> <p>[It should be reminded that in case of a significant divergence from the targets set in the major project decision, the Member State should provide an explanation and a justification of why the target has not been met and what corrective actions have been taken during the implementation period. Non-achievement could lead to financial corrections, but this would be assessed on a case-by-case basis.]</p>
13	Projects not completed, phasing	3.3, 3.4, 3.5	<p>SK: Since it is possible to conclude agreements with beneficiaries also during 2014 and 2015, is it possible even in this period to approve projects which would require phasing into 2 periods? How to proceed if the first phase is not successfully concluded by 31.12.2015?</p>	<p>Yes, it is possible to adopt operations and major projects also in years 2014 and 2015, but it should be reminded that the final date for eligibility of expenditure is 31 December 2015 and therefore expenditure has to be paid by beneficiaries by that date to be considered eligible.</p> <p>Normally, all operations should be completed and in use within one programming period and within the respective budget. If an operation is not completed by the end of 2015, a Member State may proceed in the following ways:</p> <ul style="list-style-type: none"> <li>▪ to cancel the project and acknowledge that expenditure is not eligible (withdraw it from the final statement of expenditure);</li> <li>▪ to complete the project with national resources before it will submit closure documents (by 31 March 2017);</li> <li>▪ to phase the project over two programming periods respecting all rules of the sections 3.3 of the Closure Guidelines (in the case of major projects) or 3.4 (in the case of "normal" operations)</li> <li>▪ to consider the project as non-functioning at the closure (section 3.5 of the Closure Guidelines) and complete it with national resources before 31 March 2019. If the first phase is not completed by 31 March 2019, the Commission will proceed with the recovery of the funds allocated to the whole project.</li> </ul> <p>For phasing, it is up to the Member State to define phases for such an operation. In the case of major projects, phasing is the subject to the Commission decision; therefore the process includes project modification or submission of a new major project application.</p> <p>At the end of programming period, namely in years 2014 and 2015, Member States should make an assessment whether a major project to be submitted to the Commission would be completed and in use at the submission of closure documents or if phasing application making a reference to the 2014-2020 period would be more relevant or the major project would be implemented in the 2014-2020 completely, without any phasing from the 2007-2013 period. Section 2.3 of the Guidelines recommends the submission of modification requests by 30 September 2015 at the latest in order to get assurance that</p>

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				<p>the modification is acceptable before the eligibility end date.</p> <p>If there is a need to phase a non-major project, beneficiary and managing authority should agree on the specific provisions which would lead to the amendment of original project decision, but the operation has to be completed in the 2014-2020 period. Namely, the physical (intermediate milestones, progress report, etc.) and financial objectives have to be defined and they would be included in the grant agreement.</p>
14			<p>Project phasing - definition: can we consider the trial operation or the defect liability period for infrastructure projects as an independent phase which can be financed in the 2014-2020 period? Here it should be noted that these activities correspond generally to approximately to 10% of the project costs.</p>	<p>According to the guidelines a phased project has two clearly identifiable stages as regards its physical and financial objectives. If only payments linked to the defect liability period are retained for the second phase, it would not be possible to allocate to the second phase a clearly identifiable stage as regard the physical objective.</p> <p>It would be, however, possible to allocate a physical objective to each phase of a project but to reserve payments linked to the defects liability period for the second phase, when the overall objectives of the project have to be achieved</p>
15	Phasing of non-major projects	3.4	<p>HU, SK: In case of phasing of non-major projects over two programming periods, it is stated that "the second phase of the project is eligible under Structural Funds and/or Cohesion Fund under the 2014-2020 period" – how to proceed if such project cannot be financed within the scope of new OP 2014 – 2020? Would it be deemed as non-functioning project?</p>	<p>It is a basic condition of the phasing that the second phase of the project is eligible for financing from Structural Funds and/or the Cohesion Fund under the 2014-2020 period. If the second phase is not eligible, a project cannot be considered as phased over two programming periods. Then, it is a "non-functioning project" and the conditions fixed in section 3.5 of the Closure Guidelines on non-functioning projects apply.</p> <p>In general, it should be noted that if the second phase of a phased project is not eligible or is not selected for co-financing under the 2014-2020 programme or is not completed for other reasons despite the fact that the phasing has been accepted, non-completion of the second phase may lead to a financial correction of the full amount allocated by the Union budget to the phased project (for both phases).</p>
16	(Non)Functioning projects	3.5	<p>CZ: What are the EC's requirements on the check of the functioning of the projects? Is it possible to prove the functioning of projects on the basis of the administrative check of projects (monitoring reports on sustainability, special report)?</p> <p>CZ: How will the EC assess the non-functioning projects? Which information will be required by the EC within the monitoring of non-functioning projects?</p> <p>HU: Specification of the definition of non-functioning projects</p>	<p>A non-functioning project is either 1) a project non-completed (even if partially in use) or 2) a project completed and not in use.</p> <p>The General Regulation (Article 88) sets out that "an operation shall be deemed completed where the activities under it have been actually carried out and for which all expenditure by the beneficiaries and the corresponding public contribution have been paid". In addition, the Closure Guidelines in chapters 3.2 and 3.5 specify that "no further activity is required to complete the operation - works are completed and received in conformity with the requirements foreseen by the national legislation". The Member State should manage and monitor non-functioning projects in line with the conditions defined in the Closure Guidelines (chapter 3.5) and the information required.</p> <p>Furthermore, it is the responsibility of the managing authority to check and declare that the operations which are included in the closure documents are completed and in use.</p>

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				The Member State should ensure that functions of the authorities are carried out according to Articles 60-62 of the General Regulation. It is up to managing authority to decide whether the administrative check would be sufficient.
17	Non-functioning projects	3.5	HU: According to point 3.5 of the Guidelines, the Member State should monitor the non-functioning projects and report to the Commission on a six-monthly basis on projects already completed, as well as on the measures taken including milestones in order to complete the remaining projects, for two years. In our interpretation, these reports should contain development, execution of measures and milestones since the previous report. In case if execution of measures delay, and milestones stated for the next six months are not achieved, has the Member State an opportunity to set up new milestones, measures and deadlines within the two years period?	<p>The Member States have to provide, with the final report, a list of such non-functioning projects retained in the programme (see Annex V – Summary table of non-functioning projects). In addition, the Member States should closely monitor these non-functioning projects and report to the Commission on a six-monthly basis on projects already completed, as well as on the measures taken, including milestones, in order to complete the remaining projects.</p> <p>There is no standard template for reporting of non-functioning projects, but there are essential elements to be included in the reports which will allow assessing the progress every six months. The report should provide information on projects already completed and on the measures (and milestones) taken to achieve projects completion. It is recommended that it includes an extended table (Annex V) where additional columns are provided to report on the progress for each of the six month periods. Where relevant, a brief description of the projects and their progress to the completion could be added.</p> <p>If necessary, MS could adapt the milestones within the two-year period.</p>
18	Non-functioning projects	3.5	CZ: Might be the project that is in the phase of non-completed financing, that means, this project is not in the sustainability-phase, but it is functioning and in operation, considered as non-completed? When no modification (no completion) of this project takes place until 31 March 2017, is it allowed to put this project on the list of non-functioning projects?	The question needs further clarification, notably what is meant by non-completed financing. The main purpose of provisions on non-functioning projects is to provide additional time for the project completion while allowing to declare expenditure in the final statement of expenditure.
19	Non-functioning projects	3.5	SI: It is also defined that each facility must be concluded and used; if this is not the case, corrections in the amount of the overall project value are foreseen (issues regarding monitoring two years after the closure)?	Within two years of the deadline for submitting the closure documents for the programme concerned the Member State should provide the necessary information on the completion and operational aspect of these projects retained in the programme. In case that such project is non-functioning by 31 March 2019, the Commission will proceed with the recovery of the funds allocated to the whole project. If the Member State does not agree with the recovery, the Commission will proceed with a financial correction according to Article 99 of the General Regulation.
20	Projects in use	3.5	SI: Does this mean that if the project is used but is not used in accordance with the	The project has to meet the objectives of the granting decision in the sense that it is completed and physical facilities are used at closure (it is not enough that a motorway or

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			purpose of the public call for proposals or is not entirely used in accordance with the purpose of the public call for proposals that the correction in the amount of the overall project value is used?	an incinerator is constructed, it needs to serve the user addressed in the granting decision). If not a financial correction is applied to the project .
21	Projects not in use - financial corrections	3.5	SI: Who signs the correction in such cases (MA)?	The Member State carries out financial corrections in the first place according to Article 98 of the General Regulation: "the Member State shall make the financial corrections required in connection with the individual or systemic irregularities detected in operations or operational programmes". The Commission may also make financial corrections in accordance with the provisions of Articles 99-102, namely in the situations where the Member State has not complied with its obligations under Article 98 prior to the opening of the correction by the Commission.
22	Operations not meeting objectives (non-functioning)	3.5	SI: How to handle operations the objectives of which are achieved 2 years after the closure: do we wait with closure or do we reactivate the operation?	<p>Where not all elements of an operation are completed according to the grant agreement, it should not be considered as completed.</p> <p>At the time of the submission of the closure documents, Member States have to ensure that all projects included in the programme closure are functioning, meaning completed (meeting the objectives of the granting decision) and in use, so considered as eligible.</p> <p>The Member State should not report a project as finalised earlier than its completion. If the project is not completed at the end of the programming period the Member State has until March 2017 to complete the project with national resources. At that stage the MS has the possibility to either withdraw expenditure declared and replace it by expenditure of a finalised operation or to keep it in the final statement of expenditure and commit itself to the completion of the project within 2 years if the conditions under 3.5 of the Closure guidelines are met. If after these two additional years of completion the operation remains uncompleted, the Commission will apply a financial correction, the amount of which will depend on the remaining overbooking under the respective priority axis.</p>
23	FEI	3.6.1	HU: Taking notice of Article 78(6) of the General Regulation, it should be clarified what is eligible guarantee in case of transactions. (Concerning this, the Managing Authority of Economic Development OP received a Commission position via e-mail in 11 July 2013, and the Commission standpoint should be communicated in an official document as well.)	<p>As provided in paragraph 4.1.4 of COCOF guidance note, when deciding to provide contribution from the operational programme to guarantee funds managing authority should determine the target range of values for the expected ratio between amounts contributed from the operational programme to guarantee fund and the respective amounts of new loans which will be covered by such guarantees (multiplier ratio calculated on a MA assessment ex- ante).</p> <p>Once the loans covered by the guarantee financed from OP (and calculated ex-ante, based on multiplier ratio) are effectively disbursed to final recipients, the amount of such a committed guarantee becomes eligible. This is irrespective whether, in the end, the</p>

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				<p>guarantee will be called in or not.</p> <p>When, for the committed guarantee, the underlying loans come to their maturity period the guarantee becomes "provided". The guarantee provided may mean guarantee called in and honoured (loans are in defaults as determined in risk assessment) or guarantee freed (no defaults, or lower defaults than determined in risk assessment).</p> <p>If, in case of defaults, the losses exceed the amount of guarantee committed from OP (the defaults predetermined in risk assessment were too low) , then the residual losses have to be covered by co-investing body which shares the risks with MA (e.g. bank). It is not possible that OP resources are called in to cover losses in excess of the amount of the guarantee committed as this would imply a contingent liability to the OP over and above the OP resources committed to the operation (same as for any other operation, the amount of the grant is predefined, it is not contingent on the final cost of the underlying project).</p> <p>MA can at any moment revise Funding Agreement to include more realistic risk assessment in order to better align multiplier ratio to the market conditions. Such amendment would allow MA either to commit more resources from OP for the same amount of loans or would allow to issue lower amount of loans while maintaining the initial amount of OP contribution for guarantees. Such a change and modification of conditions cannot be done for guarantees already provided.</p>
24	FEI	3.6.	HU: Does the Commission state requirements in case of JEREMIE, how the member state should certify the regular payment of sources?	The underlying provision set out under section 3.6. apply to all FEI operations including JEREMIE. The member state can certify each regular payment made into a JEREMIE fund but has to evidence its eligibility at closure by items enumerated under Article 78(6) of the Regulation.
25	Submission of closure documents	4.1	CZ: Will there be a special sheet created in the SFC? Where will be the documents inserted electronically? How will be the transmission procedure look like?	<p>According to the General Regulation (Articles 60, 61, 62 and 67), the managing authority is responsible for sending the final implementation report, the audit authority is responsible for sending the closure declaration and the body designated by the MS is responsible for sending the payment declaration. There is no regulatory obligation that a single body submits a closure package to the Commission. A single body was mentioned as a suggestion coming from the first Q&amp;A document prepared for COCOF in September 2012. In general, the transmission depends on the internal coordination setup within the given MS.</p> <p>However, it would be practical, if one selected body would check consistency of the closure documents and would ensure the submission is done on time. It should not be an additional layer which would make the closure more complex.</p> <p>The closure documents will need to be uploaded to SFC. No hard copies, communication is carried out by using electronic means. In the case of scanning of any paper documents,</p>

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				<p>it should be ensured that the copies are readable.</p> <p>In addition, the Commission could explore a possibility that each responsible body uploads into SFC2007 its relevant document and after that a designated body would submit it as a package to the Commission. Such a step with the restricted access rights that would not allow that documents of CA and AA could be modified by MA, seems to be fully compliant with the separation of duties as provided by the Regulation.</p>
26		4.2.	<p>CZ: It's recommended in a guideline (and was also presented in the seminar on closure) that the last interim payment claim is submitted by 30 June 2016. We would like to assure ourselves that it's only a recommendation since it can be assumed that for some projects this deadline will not be met.</p>	<p>Yes, it is only a recommendation.</p>
27	Overcommitment/ Overbooking	5.1	<p>CZ: Is it possible to submit a payment claim for more than 100% of the allocation to the EC? We are aware of the fact that the EC cannot pay more than 100% of the allocation for the priority axis (EU contribution), but we assume that in the statement of final expenditure and final payment claim we can exceed 100% of the allocation because the commitment might have been decreased after the submission of closure documents.</p>	<p>Yes, it is possible, the certifying authority may declare to the Commission certified expenditure for more than 100% of the contribution from the Funds to the priority axis, but as it is correctly mentioned, the Commission shall not pay more than 100% of the contribution from the Funds to the operational programme.</p> <p>Article 89 provides the conditions for the payment of the final balance and moreover, the amount paid through interim payments and payment of the final balance of the programme should not be higher than the public contribution and the maximum of the assistance from the Funds for each priority of the concerned programme.</p> <p>In order to be able to replace expenditure, the Member State should declare all eligible expenditure including "overbooking" in the final claim.</p>
28	"overcommitment" projects	5.1	<p>SI: Are the "overcommitment" projects bound to 2013</p>	<p>No, the Member State may declare eligible expenditure, including expenditure of "overbooking" operations, in the application for payment of the final balance. Such expenditure could be paid by the beneficiary up to 31 December 2015.</p>
29	Flexibility	5.1	<p>SI: Flexibility?</p> <p>HU: Application of the 10% flexibility rule in use and its effect on the absorption and on programme modifications</p> <p>We would like to receive a solid confirmation that 10% flexibility will be applicable, in spite of the fact that the Closure Guidelines do not contain the possibility. We would also need a</p>	<p>Pursuant to the adoption of amending Reg.1297/2013, the 10% flexibility will apply according to the newly amended provisions set out in article 77 without prejudice to compliance with other regulatory restrictions (TA ceiling, non-transferability of resources between objectives and their components)</p>

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			confirmation that the rules of application will be the same as in 2000-2006 financial period.	
30	Irregularities	5.1.3	<p>SK: How the corrections will be applied (calculated) in case of discrepancy between final annual statement of irregularities submitted to EC and irregularities reported to OLAF?</p> <p>HU: How can the Member State handle the difference between data in IMS system and data in the IT system about irregularities? (IT system includes data on cases under inspection; meanwhile IMS system includes data only on proved irregularities.)</p>	<p>For the closure of the programming period 2007-13 there is a decoupling between irregularities notified to OLAF and the closure process.</p> <p>The audit authority has to report irregularities which will be corrected on a continuous basis by the managing authority and expenditure concerned will be withdrawn and replaced by regular expenditures.</p> <p>It is up to the Member State to ensure consistency between data in the different systems.</p>
31	Irregularities	5.1.3	<p>CZ: How the irregularities before and after the date of the eligibility of expenditures will be treated? And also in relation to the completion of the Annex XI of the Implementing Regulation? For example irregularities investigated by the Police, or will be subject to legal proceedings and administrative appeals, when these cases will not be tackled till the date of closure of the programme?</p>	<p>If irregularities are detected at closure, they should be corrected according to Article 98 of the General Regulation. Otherwise Article 99 might apply.</p> <p>If amounts with regard to irregularities are considered irrecoverable they should be declared under Annex XI(3). In case they are considered recoverable they should be declared under Annex XI(2) as pending recoveries.</p> <p>In case of suspected irregularities the Member State should withdraw the relating expenditure from the statement of expenditure.</p> <p>It is important to separate two issues:</p> <ul style="list-style-type: none"> <li>- 'normal' irregularities, which are being recovered (reported under Annex XI(2)), for which point 5.1.3. of the Closure Guidelines applies, i.e. are to be <b>included</b> in the final payment application but the Commission will not pay for them. The question here is also how to treat the irregularities discovered after closure, where recoveries occur – i.e. should be somehow returned to the EU budget – see 5.1.3 last sentence.</li> <li>- irregularities subject to legal proceedings/administrative appeals, where the Member State could not declare until the national authorities take a final decision; here, point 8 applies – the Member State should inform the Commission about the amount which <b>could not be declared</b> and the Commission will keep a commitment open.</li> </ul>
32	Irregularities	5.1.3	<p>SI: How do we prepare the Report on the closure of the operation and the checklist for the operations where an irregularity was found after certification and repayment</p>	<p>The certifying authority is obliged to ensure that only correct, regular and eligible expenditure is declared to the Commission. The audit authority should assess the validity of the application for payment of the final balance and the legality and regularity of the underlying transactions covered by the final statement of expenditure, which is supported</p>

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			needs to be made?	<p>by a final control report.</p> <p>In case irregularities are found before the submission of closure documents they need to be corrected in line with Article 98 of the General Regulation and the closure documents should reflect on that.</p>
33	Irregularities	5.1.3	SI: How to prepare the Report on the closure of the operation and the checklist for the operations where the company went bankrupt after certification and we hope that we will receive something from the bankruptcy estate?	In case the Member State considers such amounts as recoverable, in line with Article 20(c) of the Implementing Regulation, they should be reported in the annual statement by 2017 under Annex XI(2) of the Implementing Regulation (pending recoveries).
34	Irregularities	5.1.3	- How to close a project in case where irregularities have been detected but not proven yet – in other words – how to proceed in case of suspected fraud?	In case of suspected (but not yet proven) fraud at the time of submission of closure documents, it is up to the Audit authority to make an assessment of the case and for MS authorities to decide whether to keep or withdraw that given project.
35	Irrecoverable amounts	5.1.3	HU: Do we understand correctly that only amounts above 10,000 EUR should be reported?	In case of irrecoverable amounts below 10,000 €, the amounts concerned should be reported in the final statement on withdrawn and recovered amounts, pending recoveries and irrecoverable amounts even if they fall below the threshold for notification to OLAF. For more precise information, please refer to section 5.1.4 of COCOF note 10/0002/01/EN (Guidance note to Certifying Authorities on reporting on withdrawn amounts, recovered amounts, amounts to be recovered and amounts considered irrecoverable). As regards the Closure exercise, the financial reporting required under Article 20 and provided within Annex XI of the Implementing Regulation is to be considered independent from the reporting required under Article 28 of the Implementing Regulation.
36	Pending recoveries	5.1.3	<p>CZ: In case of "pending recoveries" should the Member State inform the EC about the results of the procedure: in which form and where should be this information submitted? (As part of the annual report for 2016?) If the result has not been known yet, will the EC require additional information?</p> <p>HU: Please clarify what are the steps of reporting and handling pending recoveries</p>	<p>In case the results are known before closure they are to be communicated to the Commission so that the statement of expenditure is corrected accordingly if need be (point 4.3 of Closure Guidelines) in order to allow the appropriate closure of the operational programme.</p> <p>In case the results are known after closure i.e. amounts are recovered, they need to be communicated in order for the Commission to close open commitments.</p> <p>There is no specific form for such information to be submitted by the Member State.</p> <p>Additional information may be requested by the Commission in case of application of Article 20(2)(d) of the Implementing Regulation.</p>

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37	Final implementation report	5.2	<p>CZ: We would like to ask for more detailed information about the final implementation report (about its structure, content and range of provided information).</p> <p>HU: Has the Commission different requirements compared to the content of the annual implementation report?</p>	<p>Requirements on the annual implementation report and final implementation report are defined in Annex XVIII of the Implementing Regulation and their structure is the same (except references to Lisbon strategy should be understood as to the EU2020 strategy). However, some additional elements in relation to the final control report and closure declaration are required as outlined in Annex VI. Furthermore as regards major projects, the Member State should provide information in the final implementation report which would allow to conclude that major project is completed and is in use and it was implemented in accordance with the corresponding Commission decision. It could take the form of a general statement or a separate brief section on each of the major projects.</p> <p>It can only be recommended that one report (per fund) is prepared and shared in a draft form with the relevant DG to discuss potential drawbacks in advance.</p> <p>The final report should also contain the information on the progress made in financing and implementing the financial engineering instruments as provided for in Article 67(2j) of the General Regulation. Annex II of the Closure Guidelines will be modified and based on the template developed for Annual Report for Implementation and its SFC module. Since for financial engineering instruments the eligible expenditures are declared at the time of closure certain elements have to be additionally reported to the Commission as they are relevant for the eligibility of expenditures declared. Moreover, information on legacy funds (repayments from investments/defaults) and legacy arrangements should be separately reported in order to satisfy the requirements of Article 78(7) second paragraph of General Regulation.</p>
38	Final implementation report	5.2.2	<p>HU: How many times can the Member State make corrections to the final implementation report? Is there a final deadline for the approval of the Report?</p>	<p>There is no possibility for a Member State to correct the final implementation report once it has been submitted. However, there is a possibility to provide additional necessary information within a deadline of 2 months in response to the comments made by the Commission within 5 months after the submission of the report. The objective is to have the final report accepted by the Commission within 1 year of the date of its receipt.</p>
39	Non-achievement of indicators	5.2.6	<p>CZ: We would like to ask for clarification of the mentioned divergence in indicators: are targets with a divergence lower than 25 % considered as met? During the assessment procedure will exceeding of set targets be considered as non-fulfilled?</p>	<p>The Member State should report in the final implementation report on the programme achievements as measured by physical and financial indicators, including a qualitative analysis on the progress achieved in relation to the targets set out initially.</p> <p>The Member State should provide information on indicators and only if, there is a significant divergence, an explanation and a justification as requested by the Closure Guidelines should be provided. The targets are met when they are achieved, but specific information is needed if the reported indicators divert significantly.</p> <p>A significant overachievement of indicators should also be accompanied by an explanation and a justification (according to the Closure Guidelines), but the targets would be considered as achieved in this case.</p>

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40	Non-achievement of indicators	5.2.6	<p>CZ: In the case of the absence of sufficient justification when the indicators are not fulfilled by more than 25%, it may lead to the application of financial corrections by the EC. (It was mentioned by EC during the seminar about closure ETC programmes). We would like to ask for the justification of the application of correction including its legal basis. Any of the situations described in Article 99 General Regulation is not similar to this case.</p> <p>SI: The Q&amp;A defines that the achievement of indicators is not a matter of financial correction: only explanation is needed – is this correct? - How to close a project in case the objectives/result indicators have not been met (e.g. improved transport connections)?</p> <p>- How to close a project in case the output indicators have not been met (e.g. number of activities implemented)? Is there any derogation permitted, if so – what is the scope of this derogation?</p> <p>HU: What are the requirements concerning the priority level result indicators? How should the Member State evaluate these indicators? According to point 5.2.6 of the Guidelines, in case of significant diversion between the targeted and reported indicators, the Member State should provide an explanation of 3 pages at maximum. Is our interpretation correct, that giving a detailed explanation and justification is enough and no financial correction will be imposed upon the given priority?</p>	<p>It is the Member State's responsibility to deal with projects which do not fully achieve the targets fixed ex ante. Provisions in grant decisions on the consequences of the non-fulfilment of indicators and a close monitoring of projects during their implementation phase should allow Member States to prevent problems at closure. It is also possible to modify objectives and indicators during the implementation if necessary.</p> <p>At closure, in case the reported indicators in the final report appear to divert significantly (i.e. by more than 25%) from the targets set in the programme, the Member State should provide an explanation and a justification which would demonstrate that corrective actions have been taken.</p> <p>The reporting is only required with regard to the programme indicators. Unfinished projects may be compensated within a programme by overachievements.</p> <p>With regard to the closure of projects output indicators are to be considered as a measuring tool for the completion of the project according to the grant agreement. Expenditures related to non- functioning projects are not considered as eligible at closure and should be completed in line with section 3.5 of the Closure guidelines</p>
41	Non-achievement of indicators	5.2.6	<p>CZ: Is the preparation of 3 pages justification thought as a summary or should it be prepared for each indicator separately?</p>	<p>At closure, in case the reported indicators in the final report appear to divert significantly from the targets set in the programme, then the Member State should prepare a short summary of 3 pages at maximum (for the programme as a whole).</p>

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42	Non-achievement of indicators	5.2.6	CZ: Till which date the aggregation of indicators in the OP should take place? Some projects will indicate the increase of indicators even during the sustainability period of the project. Because it is necessary to submit closure documents by 31 March 2017, may as an appropriate date be considered 31 December 2016, when the MA can order the beneficiary to achieve a certain level of indicators? According to the opinion of the EC, is this procedure convenient?	There is a requirement to report on the indicators in the final implementation report and this obligation should be fulfilled (Article 67(1) of the General Regulation). The Member State should set up internal procedures, including control arrangements, ensuring that the closure documents are submitted within the timeframe established by the regulatory framework.
43	Closure declaration	5.3.2	CZ: In cases when the closure declaration discloses irregularities which have not been tackled before the closure, the EC can decide to apply financial corrections - it means that automatically reduce the submitted final application for payment or the final payment application should be already reduced before (as it is set now)?	According to Article 98 of the General Regulation, the Member State should act in the first place and make the financial corrections required. This means that it should correct irregularities before closure (i.e. withdraw irregular expenditure for the final payment claim). Otherwise the Commission may make financial corrections according to Article 99-102 of the General Regulation. In case this happens, it results in a reduction of the balance to be paid and the issue of a recovery order.
44	Availability of technical assistance	6	CZ: In the text there is mentioned the possibility of financing the preparation of the next programming period from the technical assistance of programmes in the 2007 - 2013. What the word "preparatory activities" exactly means? What activities and in what amount (range) might be financed from this programme?	At first, it should be underlined that the primary purpose of the technical assistance of the 2007-2013 period is to co-finance the management and the implementation of the 2007-2013 programmes.  The technical assistance of programmes in the 2007-2013 period is governed by Article 46 of the General Regulation. According to Article 46(1) of the General Regulation it is possible to finance preparatory activities for the 2014-2020 period (e.g. elaboration of programmes, drafting of report on ex ante conditionalities, elaboration of studies, establishment of new managing authority, or organisation of the new institutional setup). These preparatory activities should be directly relevant to the preparation of the new period, materially eligible under the 2007-2013 EU and national eligibility rules and should also fulfil the selection criteria of the programme concerned. In addition, there should be a clear demonstrable link between the proposed activities and the preparations within the Member State for the 2014-2020 period.
45	Availability and use of technical assistance	6	SK: How to ensure monitoring of impact and preparation of documents for closure when the technical assistance for the PO 2007 – 2013 is eligible only up to 31.12.2015? Are	The legal framework applicable to the 2007-2013 period imposes obligations on the Member States to carry out certain tasks related to the closure of the programmes after the final date of eligibility. Some technical assistance costs, such as certain audit costs, costs related to preparation of the final implementation reports, and the archiving of

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			<p>the expenditures related to closure of PO 2007 – 2013 eligible under TA for 2014 – 2020? What if the given authority will no longer be an implementing authority under ESIF? Monitoring of impact and preparation of documents for closure would need to be covered from the state budget?</p> <p>SI - Technical Assistance of the present programming period can be used also for the preparatory actions for the new programming period. There are, therefore, cases of Technical Assistance “continuing” into the new programming period or overlapping with the new programming period – e.g. the Website <a href="http://www.eu-skladi.si">www.eu-skladi.si</a>, due to its recognisability, continues also in the programming period 2014-2020 – part of it relates to the past programming period and part of it relates already to the next programming period. How are we to “close” such activities which, indeed, continue into the next programming period? What is the case, in such instances, with the parallel financing in the interim period (2014-2015) from both Technical Assistances of both programming periods (namely, part from TA 1007-2013 and part from TA 2014-2020) of one activity (e.g. Website, contract of employment)?</p>	<p>supporting documents, may incur after the final eligibility date. For the technical assistance activities as for any other expenditure of the 2007-2013 period, the final date for eligibility of expenditure is 31 December 2015.</p> <p>If there are such activities after that date they should be covered by the national resources or they could be co-financed by the ESI Funds. In fact, the draft CPR (see Article 52) states that at the initiative of a Member State, technical assistance can support actions for preparation, management, monitoring, evaluation, information and communication, networking, complaint resolution, and control and audit. These actions may concern preceding and subsequent programming periods. The provision of Article 52 sets out an explicit definition regarding the periods to which technical assistance expenditure co-financed from the 2014-2020 financial envelope relates.</p> <p>Nevertheless, it should be reiterated that an audit trail must be set up so as to avoid any risk of double co-financing for the same technical assistance activities under the 2007-2013 and 2014-2020 programming periods. Technical assistance costs for the benefit of the 2007-2013 programming period but co-financed from the 2014-2020 allocations would fall under the technical assistance capping laid down in the CPR. Any costs incurred before the starting date of eligibility of the 2014-2020 programmes would not be eligible for EU co-financing under these programmes. If there is no continuation of the 2007-2013 programmes and there is no successive programme, the costs incurred after the final date of eligibility of these programmes would have to be covered from national sources or they could be co-financed by the ESI Funds (by the programme which is considered to be a 'successor' of the previous programme(s)).</p> <p>Finally, the Fund-specific rules may add or exclude actions which may be financed by the technical assistance of each ESI Funds.</p>
46	Decommitment	7.2	<p>CZ: Regarding to the sentence "decommitted appropriations may be made available of a manifest error attributable solely to the Commission," we would like to clarify what are the possibilities of recovery of the decommitted appropriations by the EC and how should they be restored?</p>	<p>Article 178(2) of the Regulation (EC) 966/2012 ("the Financial Regulation"), refers to situations of a manifest error attributable solely to the Commission ("including clerical or technical errors"). Under this Article commitment appropriations corresponding to decommitment carried out following errors attributed to the Commission are made available again. There exists no possibility of recovery.</p>
47	Operations suspended due to legal or	8	<p>SK: How to deal with suspended projects in case of MA or IB/MA is in legal or administrative proceeding with the</p>	<p>As regards projects suspended for legal and administrative proceedings any cost incurred by a beneficiary after 31 December 2015 would not be eligible.</p>

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	administrative proceedings		<p>beneficiary? Will they be included into the eligible expenditures in case when the beneficiary will be successful at Court?</p> <p>Would it be possible to pay the payments to beneficiary from the EU funds (ESF in this case) after the deadline of 31.12.2015 and these payments would be considered as eligible? If beneficiaries, based on the decision of the Court would be interested in continuing the project, can we pay them the costs which will occur after 31.12.2015?</p>	<p>With regard to the closure of operations suspended due to judicial or administrative proceedings the applicable rules are set out in chapter 8 of the Closure Guidelines and have to be distinguished from those for non-functioning projects (chapter 5.2.8 of the Closure Guidelines). The additional time needed to finish operations suspended due to judicial or administrative proceedings projects needs to be assessed by the Member State.</p> <p>Given the uncertainty about the results of the legal proceedings, it is the Member State's responsibility to decide, when drawing up the closure documents, whether the corresponding operations should be withdrawn (and/or replaced by another operation, possibly from "over-booking") or retained in the programme.</p>
48	Operations suspended due to legal or administrative proceedings	8	<p>CZ: Should amounts related to operations suspended because of legal or administrative proceedings be involved in the final statement of expenditures? We understand that the Guidelines do not say that these amounts will be part of the final statement of expenditures - then there is no commitment for the EC. But these amounts should be mentioned in the final statement of expenditure and the commitment would remain open.</p>	<p>With regard to operations suspended due to administrative or legal proceedings the Member State should decide, before the deadline for submission of the closure documents for the programme, whether the operations should be withdrawn from the programme or retained in the programme.</p> <p>If the latter option is selected by the Member State, the Commission should be informed of the amount that could not be declared in the final statement of expenditure because of the suspension of the operations, so as to allow the Commission to keep a commitment open. The amounts to be paid by the Commission will constitute an outstanding commitment.</p>
49	Operations suspended due to legal or administrative proceedings	8	<p>SI: How to close a project in case of pending final payments (financial construction not closed yet) (e.g. due to a dispute between the contractor and the beneficiary, intervention of the court)?</p>	<p>If an operation is suspended due to administrative or legal proceedings the Member State should decide, before the deadline for submission of the closure documents for the programme, whether the operations should be withdrawn from the programme or retained in the programme. If the latter option is selected by the Member State, the Commission should be informed of the amount that could not be declared in the final statement of expenditure because of the suspension of the operations, so as to allow the Commission to keep a commitment open. The amounts to be paid by the Commission will constitute an outstanding commitment. If on the other hand no suspensory effect is granted by the court, the project is not benefiting from the application of Article 95 and it may be considered as non-functioning project if it is not completed and in use. If it is completed and in use all expenditures paid to the contractor before the eligibility end date of 31/12/2015 are eligible. If the final payment has been transferred to the contractor after that date they cannot be declared as eligible expenditure at closure.</p>
50	Monitoring		<p>SI: OP HRD, ESF: what is the situation</p>	<p>Annex XXIII was set up in December 2006 so its requirements apply to all projects. Even</p>

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			regarding the operations which are being implemented since for example 2008 and for which, at that time, monitoring was not foreseen under Annex XXIII; the beneficiaries in ISARR do not monitor them?	if not anticipated, the relevant information has to be retrieved by appropriate means
51			SI - Monitoring of Technical Assistance – due to the specific characteristic the Managing Authority guidelines says: "For Technical Assistance operations, the operations, relating to services, education/training, employment, for which a five-year monitoring is not sensible, the duration of the monitoring of the operation is adjusted appropriately by taking into account the content of the project." Do we have to strictly take into account Article 57 of the Council Regulation No 1083/2006 (EC) regarding the durability of the operations and consequently the 5-year monitoring of Technical Assistance projects or is it possible to take into account the specific characteristics in certain types of projects for which the monitoring of the operation after the closure of the operation is not sensible (example Technical Assistance – employments for the duration of the project which close for example on 30 November 2015)?	Article 57 is not applicable to the ESF activities and if some TA operations are having similar characteristics (like staff costs), then durability provisions are not applicable.
52	Preparation for the final control report and closure declaration	Annex VI, part 11	CZ: What is the position and recommendations of the in cases when the OP and MA will not exist after the end of the current programming period anymore, particularly in relation to the follow-up activities to closure (e.g. in the field of irregularities, etc.)?	It is up to the Member State to ensure that the closure process is completed. In case there is no continuation of the 2007-2013 programme, the Member State should designate the entities that would fulfil all relevant tasks required and would be responsible for any follow-up activities which may occur.
53	Terminology	Annex I-VII	CZ: There is a column called "certified expenditure paid" in the tables in the annexes. What does this formulation exactly	It means the total certified eligible expenditure actually paid out for the project.

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			mean? Does it mean certified eligible expenditures or total expenditure of the project?	
54	Terminology	Annex I, III	CZ: Tables I and III require to fulfil the "investment costs". Why is it not required to fulfil the other sources (non-investment)?	The total (final) investment costs of the major project are required by the Implementing Regulation, Annex XVIII, point 5.

### Annex

#### Timeframe of the deadlines relevant for the 2007-2013 closure

REGIO F1, 2/9/2013

**the date of submission of the operational programmes to the Commission** or **1 January 2007** eligibility of expenditure starts

**30 September 2013** amendment of the financing plan involving a transfer between SFs or OPs

**31 December 2013** no change of annual commitments

**30 June 2015** communicate to the Commission a list of major projects which they propose to divide into phases

**30 September 2015**

- Commission recommends the submission of the request for an amendment of OPs

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- Commission recommends submitting the request for an amendment of a major project

#### **31 December 2015**

- final date of eligibility of expenditure (incl. for management costs or fees not only for FEI and for state aid, advances paid to the beneficiaries by the body granting the aid should be covered by expenditure paid by beneficiaries in implementing the project and supported by receipted invoices or accounting documents of equivalent probative)
- the Member States should submit the last annual control report

**After 31 December 2015** investment activity by the final recipient may continue

#### **30 June 2016**

- the Commission recommends that Member States/certifying authority submit the last interim payment claim, thus ensuring that after this date no new expenditure will be declared to the Commission before the submission of the final payment application (to ensure that the audit authority is able to cover the expenditure declared in 2016)
- no annual implementation report for the year 2015, with the exception of the data on financial engineering instruments

**31 December 2016** – no annual control report (no annual control report is submitted)

**[31 December 2016** final date of eligibility for Croatian programmes and for programmes of the cross-border cooperation component of the European territorial cooperation objective where Croatia is one of the participants]

**January 2017** the Commission sends a letter to Member States informing them of the consequences of the late submission of the closure documents

#### **31 March 2017**

- all closure documents should be submitted
  - certified statement of final expenditure, including a final payment application

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- final implementation report (incl. information on the value of legacy resources attributable to ERDF/ESF resources at 31 December 2015)
- closure declaration, supported by a final control report (incl. audit work carried out until 1 July 2015 and audit work carried out between 1 July 2015 and 31 December 2016 in order to cover the expenditure declared in 2015 and 2016)
- the annual statement is sent via SFC2007 covering the year 2016
- eventually existing net revenue should be deducted by the certifying authority from the expenditure declared to the Commission

### **2 months (general rule)**

- given to a Member State to carry out the correction - the Commission may request that a Member State corrects the application for payment of the final balance or the statement of expenditure insofar as this involves the submission of supplementary information or the making of technical corrections where such supplementary information and corrections relate to expenditure submitted to the Commission before the deadline for submission
- the Member State has to respond on the Commission comments on the final report, and provide the necessary information. In case the Member State cannot comply with this deadline, it should inform the Commission accordingly and the deadline may be extended for another 2 months (2+2)
- the Member State has to respond and provide the necessary information on the Commission comments on the closure declaration. In case the Member State cannot comply with this deadline, it should inform the Commission accordingly and the deadline may be extended for another 2 months, except where further audit work is requested to the Member State, in which case the deadline can be extended to the period considered necessary to conclude this work. The closure declaration will only be accepted if all the comments from the Commission have been addressed (2+2+n)

### **31 August 2017 (5 months)**

- the Commission has five months from the date of the receipt of the final report to confirm its admissibility or provide comments to Member States in case it is not satisfied with its content and ask for it to be revised

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- the Commission informs the Member State of its opinion on the content of the closure declaration within five months of the date of its receipt; if no observations within this period, it is deemed to be accepted

**30 September 2017** first report to the Commission on non-functioning projects already completed, as well as on the measures taken including milestones in order to complete the remaining projects

**31 March 2018**

- closure of an optimal programme:
  - the objective is to have the final report revised and accepted by the Commission within 1 year of the date of its receipt
  - the objective is to have the closure declaration revised and accepted by the Commission within one year of the date of its receipt, except for those cases that the request for further audit work requires a longer period
- second report to the Commission on non-functioning projects already completed, as well as on the measures taken including milestones in order to complete the remaining projects
- [deadline for submission of closure documents for Croatia]]

**30 September 2018** third report to the Commission on non-functioning projects already completed, as well as on the measures taken including milestones in order to complete the remaining projects

**31 March 2019**

- if expenditure paid for non-functioning projects are present in a final statement (a list of non-functioning projects is in the final report) then MS has to complete all non-functioning projects and to reimburse the Union co-financing allocated in case of non-completion of such projects
- date of closure of the programme (as communicated by the Commission) + 3 years
  - all the supporting documents regarding expenditure and audits on the programme concerned are kept available for the Commission and the Court of Auditors

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- period could be interrupted either in the case of legal proceedings or at the duly motivated request of the Commission
- the managing authority should make available to the Commission on request a list of all functioning operations

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