

Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation 2022/0208(COD)</p>	Procedure completed
<p>Flexible Assistance to Territories (FAST-CARE)</p> <p>Amending Regulation 2013/1303 2011/0276(COD) Amending Regulation 2021/1060 2018/0196(COD)</p> <p>Subject 4.70.02 Cohesion policy, Cohesion Fund (CF) 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF) 7.10.08 Migration policy</p> <p>Legislative priorities EU support to Ukraine</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Regional Development	 NIENASS Niklas	12/07/2022
Council of the European Union European Economic and Social Committee European Committee of the Regions	Committee for opinion	Shadow rapporteur	
		 HETMAN Krzysztof	
		 PENKOVA Tsvetelina	
		 BOTOȘ Vlad-Marius	
		 PANZA Alessandro	
		 MICHELS Martina	
	 Budgets	Rapporteur for opinion	Appointed
		The committee decided not to give an opinion.	

Key events			
29/06/2022	Legislative proposal published	COM(2022)0325	Summary
04/07/2022	Committee referral announced in Parliament, 1st reading		
15/09/2022	Vote in committee, 1st reading		

21/09/2022	Committee report tabled for plenary, 1st reading	A9-0232/2022	Summary
03/10/2022	Debate in Parliament		
04/10/2022	Decision by Parliament, 1st reading	T9-0337/2022	Summary
13/10/2022	Act adopted by Council after Parliament's 1st reading		
19/10/2022	Final act signed		
25/10/2022	Final act published in Official Journal		

Technical information

Procedure reference	2022/0208(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation 2013/1303 2011/0276(COD) Amending Regulation 2021/1060 2018/0196(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 177-p1
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	REGI/9/09511

Documentation gateway

Legislative proposal	COM(2022)0325	29/06/2022	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	A9-0232/2022	21/09/2022	EP	Summary
Economic and Social Committee: opinion, report	CES4618/2022	21/09/2022	ESC	
Text adopted by Parliament, 1st reading/single reading	T9-0337/2022	04/10/2022	EP	Summary
Draft final act	00048/2022/LEX	19/10/2022	CSL	

Final act

[Regulation 2022/2039](#)
[OJ L 275 25.10.2022, p. 0023](#)

Flexible Assistance to Territories (FAST-CARE)

PURPOSE: to assist Member States in addressing the challenges created by the exceptionally high number of arrivals of people fleeing the military aggression of the Russian Federation against Ukraine and to support Member States continued efforts to move towards a resilient recovery of the economy from the COVID-19 pandemic - FAST (Flexible Assistance for Territories) CARE.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Member States, and in particular the central and eastern regions of the European Union, have been hard hit by the consequences of Russia's military aggression against Ukraine, while Member States' economies are still recovering from the consequences of the COVID-19 pandemic. Alongside the continued influx of people fleeing Russian aggression, many Member States are also affected by labour shortages, supply chain difficulties and rising energy prices and costs.

In order to alleviate the increasing burden on national budgets, [Regulation \(EU\) 2022/562](#) of the European Parliament and of the Council (CARE) made a number of targeted amendments to Regulations (EU) No 1303/2013 8 and (EU) No 223/2014 of the European Parliament and of the Council in order to make it easier for Member States to use their remaining European Regional Development Fund (ERDF), the European Social Fund (ESF) and the Fund for European Aid to the Most Deprived (FEAD) allocations under the 2014-2020 multiannual financial framework, as well as to use REACT-EU resources, to address the migratory challenges resulting from the military aggression by the Russian Federation as effectively and as rapidly as possible.

While the measures already adopted have played a major role in supporting Member States and regions addressing the immediate effects of the war, it is clear that the evolving situation calls for additional action. In particular, increased flexibility will help optimise the use of the remaining 2014-2020 resources and allow a smoother phasing of delayed projects between 2014-2020 and 2021-2027 programmes.

CONTENT: the proposal amends existing EU legislation and aims to facilitate the use and increased flexibility in the implementation of cohesion policy resources by Member States and regions in order to support measures to respond to the migration challenges resulting from Russia's military aggression under the 2014-2020 and 2021-2027 programmes.

The Commission proposes to amend Regulations (EU) No 1303/2013 and (EU) 2021/1060 in order to:

- derogate from the location requirements within a given Member State as people fleeing the war may move location more than once;
- introduce the possibility to declare expenditure for such operations which have already been physically completed or fully implemented, as the eligibility for operations to respond to the migratory challenges resulting from the Russian military aggression has been set at 24 February 2022;
- allow the application of up to 100% co-financing for a separate priority axis which has been established to promote the socio-economic integration of third country nationals, including those dedicated to operations responding to the migratory challenges resulting from the military aggression by Russia;
- introduce additional flexibility between the Funds, allowing the use of Cohesion Fund resources for the period 2014-2020 for operations addressing the migratory challenges resulting from the Russian military aggression and within the scope and specific rules of the ERDF and ESF Funds, provided that a minimum financial allocation of 30% of the budget of the priority axis is granted to beneficiaries which are local authorities or civil society organisations active at local community level;
- increase the unit cost to support measures to respond to the migration challenges resulting from Russia's military aggression to EUR 100 per week for each week spent wholly or partly by the person in the Member State concerned, up to a maximum of 26 weeks from the date of the person's arrival in the Union;
- increase the flexibility for payments of the final balance for each priority by Fund and per category of regions in the final accounting year from 10% to 15%;
- allow for transfers in programmes of allocation between thematic objectives within the same priority and the same Fund and category of region without a decision of the Commission amending the programme;
- increase the rate of pre-financing for ERDF, ESF+ and Cohesion Fund programmes under the Investment for jobs and growth objective to 0.5% in 2022 and 0.5% in 2023 of the total support from the Funds set in the decision approving the programme in all Member States;
- allow for a co-financing rate of up to 100% until 30 June 2024 for a separate priority established within a programme to support operations promoting the socio-economic integration of third country nationals. The total amount programmed under such priorities in any one Member State could not exceed 5% of that Member State's initial national allocation from the ERDF and ESF+ combined;
- deem eligible for support also under the 2021-2027 programmes operations with a total cost exceeding EUR 1 000 000 that were selected for support from the 2014-2020 programmes and started before 29 June 2022, and allow for direct granting by the managing authority, provided that a limited number of key conditions are met.

BUDGETARY IMPLICATIONS: the proposal concerns cohesion policy programmes from both the 2014-2020 period and the 2021-2027 period and does not modify existing budgetary commitments.

For the 2021-2027 period, it increases the level of pre-financing for programmes receiving support from the ERDF, the ESF+ and the Cohesion Fund under the Investment for the growth and jobs goal in 2022 and 2023. This will result in a frontloading of payment appropriations to 2022 and 2023 and is budgetary neutral over the 2021-2027 period.

The additional pre-financing of EUR 1.74 billion for 2023 was not envisaged in the draft budget. The Commission will therefore consider proposing to cover the additional payment needs through an amending letter to the 2023 draft budget taking into account the revised Member States forecasts.

Flexible Assistance to Territories (FAST-CARE)

The Committee on Regional Development adopted the report by Niklas NIENAIß (Greens/EFA, DE) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1303/2013 and Regulation (EU) No 2021/1060 as regards additional flexibility to address the consequences of the military aggression of the Russian Federation FAST (Flexible Assistance for Territories) CARE.

The committee responsible recommended that the European Parliament adopt its position at first reading in accordance with the ordinary legislative procedure by taking over the Commission's proposal.

The proposal aims to amend Regulation (EU) No 1303/2013 and Regulation (EU) 2021/1060 laying down common provisions for the Funds for the period 2014-2021 and the period 2021-2027, respectively. It aims to facilitate the use and increased flexibility in the implementation of cohesion policy resources by Member States and regions in order to support measures to respond to the migration challenges resulting from Russia's military aggression under the 2014-2020 and 2021-2027 programmes.

Given the increasing scope and impact of Russian military aggression, the proposal aims to provide a range of flexibilities to address it. These concern several key aspects covered by the two regulations, such as:

- a derogation from the location requirements of the operation in a given Member State;
- a pre-financing rate for ERDF, ESF+ and Cohesion Fund programmes increased by 0.5% in 2022 and 0.5% in 2023 of the total support from the Funds set in the decision approving the programme in all Member States;
- a co-financing rate of up to 100% for the priority axis dedicated to the integration of third-country nationals; at the same time, at least 30% of the support under such priority will need to be granted to local authorities and civil society organisations operating in local communities;
- flexibilities between funds - allowing for the use of the Cohesion Fund for operations addressing the migratory challenges resulting from the Russian aggression, and between thematic objectives - allowing transfers within programmes;
- possibility to declare expenditure for already completed operations related to migratory challenges;
- additional flexibilities allowing support under the 2021-2027 programmes for operations that were selected for support under the 2014-2020 programmes and started before 29 June 2022.

The rapporteur believes that the legislative proposal is justified and necessary in order to support Member States and their citizens facing the consequences of Russia's military aggression against Ukraine. It is essential that the proposed measures enter into force without unnecessary delay.

Flexible Assistance to Territories (FAST-CARE)

The European Parliament adopted by 592 votes to 12, with 10 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1303/2013 and Regulation (EU) No 2021/1060 as regards additional flexibility to deal with the consequences of military aggression by the Russian Federation - FAST (Flexible Assistance to Territories) - CARE.

The European Parliament adopted its position at first reading under the ordinary legislative procedure by taking over the Commission's proposal.

The Regulation on the Cohesion Action for Refugees in Europe (CARE) amends two legislative acts in order to provide for exceptional and targeted changes to the overall 2014-2020 legal framework governing the European Structural and Investment Funds (ESI Funds) and the European Fund for Assistance to the Most Deprived (EFAH). It aims to facilitate the use and increased flexibility in the implementation of cohesion policy resources by Member States and regions to support measures to address the migration challenges resulting from Russia's military aggression under the 2014-2020 and 2021-2027 programmes.

This measure will also reinforce ongoing efforts by Member States to address the prolonged impact of the COVID-19 pandemic.

The proposal aims to amend Regulation (EU) No 1303/2013 and Regulation (EU) 2021/1060 laying down common provisions for the Funds for the period 2014-2021 and the period 2021-2027, respectively. It aims to facilitate the use and increased flexibility in the implementation of cohesion policy resources by Member States and regions in order to support measures to addressing the migratory challenges resulting from Russia's military aggression under the 2014-2020 and 2021-2027 programmes.

This Regulation amends Regulations (EU) No 1303/2013 and (EU) 2021/1060 to:

- derogate from the requirements related to the location of the operation in a given Member State;
- introduce the possibility to declare expenditure for operations which are already physically completed or fully implemented;
- introduce flexibilities between funds - allowing the use of the Cohesion Fund for operations addressing the migratory challenges resulting from the Russian aggression, and between thematic objectives - allowing for transfers within programmes;
- allow for a co-financing rate of up to 100% to be applied until 30 June 2024 for a separate priority established under a programme of support for operations promoting the socio-economic integration of third country nationals. The total amount programmed under these priorities in any one Member State may not exceed 5% of that Member State's initial national allocation from the ERDF and ESF+ combined. At least 30% of the financial allocation of such a separate priority should be allocated to operations whose beneficiaries are local authorities or civil society organisations active at local community level;
- EUR 100 per week for each week or part thereof spent by the person in the Member State concerned, for a maximum duration of 26 weeks from the date of arrival of the person in the Union;
- increase the flexibility for payments of the final balance for each priority by Fund and by category of regions in the final accounting year from 10% to 15%;
- increase the rate of pre-financing of ERDF, ESF+ and Cohesion Fund programmes under the Investment for jobs and growth objective to 0.5% in 2022 and 0.5% in 2023 of the total support from the Funds set in the decision approving the programme in all Member States;
- consider as eligible for support under the 2021-2027 programmes operations with a total cost of more than EUR 1 million which have been selected for support under the 2014-2020 programmes and have started before 29 June 2022, and which allow for the award of direct grants by the Managing Authority, provided that a limited number of key conditions are met.