

Guidance fiche

Technical Assistance of the Member States

Article 59 of Regulation (EU) 1303/2013 [CPR]

Article 51 of Regulation (EU) 1305/2013 [EAFRD]

This fiche is based on the text of Regulation (EU) No 1305/2013 [EAFRD] and, when relevant, on Regulation (EU) No 1303/2013 [CPR]. Since the Delegated and Implementing Acts supplementing these regulations have not yet been adopted, some modifications to this guidance fiche might be needed after their adoption.

This guidance does not represent a binding legal interpretation of Regulation (EU) No 1305/2013. It is therefore essentially non-binding in nature and complements the related legal acts.

1. RATIONALE OF THE INSTRUMENT

Technical Assistance of the Member States may support actions that support administrative capacity linked to the management of ESI Funds. These actions may be addressed to the preparation, management, monitoring, evaluation, information and communication, networking, complaint resolution and control and audit of the Rural Development Programmes.

The National Rural Network can also be financed through technical assistance resources. Further information can be found in the Guidance fiche for the establishment and operation of National Rural Networks.

2. WHAT'S NEW IN COMPARISON TO THE PERIOD 2007-2013

There are no substantial changes between both regulatory frameworks, just some minor adjustments in eligibility expenditure:

- It is clearly spelled out that cost relating to the certification body shall not be eligible

3. SCOPE, TYPE AND LEVEL OF SUPPORT

3.1. Scope and operations of the Technical Assistance of the Member State

According to Article 52 from CPR Regulation and Article 51 from RD Regulation, technical assistance may support actions for preparation, management, monitoring, evaluation, information and communication, networking, complaint resolution, and control and audit. It

may be used by the Member State to support actions for the reduction of administrative burden for beneficiaries and actions to reinforce the capacity of Member State authorities and beneficiaries to administer and use the ESI Funds.

The scope of technical assistance is therefore limited to:

- Actions which are linked to the functions necessary for the implementation of the ESI Funds. For the EAFRD these functions are fulfilled by the managing authority, the paying agency, the intermediate bodies fulfilling delegated functions and Monitoring Committees. In some cases such functions can be fulfilled by other bodies (responsible for preparation/programming or coordination of the implementation of programmes). However, technical assistance should not be used to support other functions (not necessary for the implementation of the ESI Funds) fulfilled by other bodies.
- Establishing and operating the National Rural Network.
- Actions to reduce the administrative burden of beneficiaries linked to the ESI Funds.
- Capacity building of Member State authorities and beneficiaries to use the ESI Funds. Technical assistance should not be used for capacity building actions which are not linked to the administration and use of the ESI Funds.

3.2. Beneficiaries

The beneficiaries for support under technical assistance are the Managing Authorities, Paying Agencies and the bodies in charge of the implementation of the National Rural Networks.

Beneficiaries may subcontract certain expenditure within the scope of Art. 52 CPR to other entities, public or private, provided that public procurement rules are respected.

3.3. Eligible costs

The use of technical assistance must always be directly related to the effective and efficient management of the Rural Development programmes supported by EAFRD.

Actions related to preparation, management, monitoring, evaluation, information and communication, and control and audit of the programme implementation are eligible. For example expenditure of meetings of monitoring committees and sub-committees is eligible and this expenditure may include costs of experts and other participants.

Actions related to information and communication about the Programmes.

Also networking and complaint resolution are eligible.

Within the limit for Technical Assistance budget, the Member State must reserve an amount for establishing and operating the National Rural Network, if funded from EAFRD.

Costs related to preparatory work for the delimitation of areas facing natural or other specific constraints referred to in Article 33 of RD Regulation may also be eligible.

Costs relating to the certification body referred to in Article 9 of Regulation (EU) 1306/2013 (HZR) shall not be eligible under Technical Assistance.

While Technical Assistance may be used to support capacity building, such actions should be aimed at increasing the capacity of the authorities and beneficiaries to manage and implement the Rural Development programmes as a whole. The capacity building is to be understood as a process which includes increasing skills and knowledge as regards the ability to plan and implement practices and policies and increasing the quality, cost-effectiveness and/or sustainability of such implementation. Technical assistance should not be used to support broad administrative reforms or general capacity building beyond the implementation of the EAFRD.

Can TA funding be used to support salaries for staff?

Salaries that can be co-financed are for public administration staff when they work specifically for the management and control of the funds (either as staff recruited exclusively to work on the funds, or as staff sharing their time between ESIF (at least 50%) and non-ESIF related tasks; in this case EU support will be calculated pro rata). When co-financing for salaries is used, clear conditions should be fulfilled. The requirements listed below should apply in a proportionate way, i.e. they should reflect the extent to which the funds are used for co-financing salaries in a given MS or region:

- A clear, strategic and comprehensive HR action plan of the bodies responsible for the management and control of the funds developed on the basis of a sound needs analysis. The action plan should specify the allocation of posts by institution (this should be in line with the level of sub-delegation by the managing authorities to intermediate bodies). For MS where salaries have been supported in the past, there should also be evidence (e.g. evaluations) that such a mechanism does make a positive contribution towards staff capacity and general HR stability in the system.
- A level of salary support which takes into account remuneration levels on the labour market in order to retain staff and build/keep know-how in the administration.
- An adequate regulatory framework guaranteeing the independence of the administration responsible for ESI Funds management and implementation (e.g. Civil Service Law or Classification of Positions in the Public Administration). In order to maximise staff retention, this should address critical issues such as full transparency in the recruitment/appointment process (e.g. via open competitions), appropriate appraisal and promotion provisions (based on performance indicators) and personal development provisions.
- Concrete review/monitoring measures (e.g. to assess whether frequent staff turn-over problems improve over time).

Can TA funding be used to buy/rent/renovate public administration premises used for the management of the ESI Funds?

EU funds should not be used to build or renovate public administration buildings as there is no obvious added value to this. However, since running costs of bodies set up to manage and control ESI Funds can be covered by TA, the renting of premises for the eligible bodies is possible provided

existing buildings of the public administration do not cover the needs. Renting costs should be based on market prices and demonstrate a clear commitment to the principle of value for money. Support for office equipment is also possible and should follow the same principles. TA can also be used in public administration buildings to upgrade ICT infrastructure for the management and control of the funds.

Can TA be used to address corruption issues?

Technical Assistance should also be addressed to actions that have a direct impact on sound financial management of the programmes, transparency of the expenditure and effective controls. It is always recommended for MS with a score lower than 60 in the corruption perception index¹ have an anti-corruption strategy for ESI Funds put in place with the help of national anti-corruption authorities, as appropriate. This should include making public spending and contracting more transparent, strengthening the institutions and making public bodies responsible for the management and control of EU funds more accountable. Moreover, all MS should guarantee that, as regards the financial management and control of the Programmes, the MA shall put in place effective and proportionate anti-fraud measures taking into account the risks identified.

3.4. Links to other legislation

The implementation of the measure shall be compliant with public procurement

3.5. Aid intensity/amount of support

Technical Assistance at the initiative of the Member States up to 4% of the EAFRD amount of each rural development programme may be devoted to the eligible expenditure.

The aid intensity is 100%, i.e. the total amount is public expenditure.

3.6. Co-financing rate(s)

The co-financing rates are established in the article 59 of the Regulation (EU) 1305/2013 [EAFRD]

3.7. Focus on capacity building

- ***The set-up of the administrative organisation for the implementation of programmes should be transparent and efficient.*** Member States are encouraged to consider the following questions:

¹ <http://www.transparency.org/research/cpi/overview>

- Which lessons can be drawn from previous programming periods and which improvements can be introduced?
- Is Technical Assistance taking into account the need to coordinate, manage and control different tasks within the concrete context of the national administrative organisation, especially in regionalised Member States?
- Is Technical Assistance adjusted proportionately to the level of administrative complexity and the general architecture of the programme?
- ***The administration is encouraged to address sensitive issues or bottlenecks:***
 - Technical Assistance should provide support to Action Plans addressing certain non-compliance in the ex-ante conditionalities, which need to be fulfilled by the end of 2016.
 - Issues related to the first guideline for assessment the administrative capacity in the Country Specific Recommendations².
 - Other issues related to absorption rates, level of irregularities and interruptions/suspensions during the period 2007-13, error rates and other indicators such as high turnover of staff or corruption level.

4. OUTPUT INDICATORS

On monitoring and evaluation of Technical Assistance, simplified indicators are being developed

5. TRANSITIONAL ARRANGEMENTS

Technical assistance actions supported under the programming period 2014-2020 may concern preceding and subsequent programming periods. Therefore, the technical assistance allocated for the programming period 2014-2020 may be used to facilitate e.g. the closure of the preceding programming periods, especially as regards the ex post evaluations of 2007-2013 programmes or the preparation for the programming period post 2020.

As regarding Technical Assistance from 2007-2013 programming period, the following preparation activities for the period 2014-2020 may be financed:

- Expenditure relating to the ex-ante evaluation of programmes
- Preparatory costs of local development strategies (common activities)
- Expenditure relating to other preparatory activities, provides that they are:

² <http://ec.europa.eu/europe2020/making-it-happen/country-specific-recommendations/>

- Directly linked to the activities of the 2007-2013 rural development programme, and
- Necessary to ensure continuity as regards the implementation of rural development policy and a smooth passage from one programming period to the next one.

It should be noticed that the cut-off date principle defined by Regulation (EU) No 335/2013 does not apply to Technical Assistance, i.e. Technical Assistance components of the current and new programmes can run in parallel.

6. BEST PRACTISES

Example of project developed under Technical Assistance 2007-2013 programming period (see details in http://enrd.ec.europa.eu/policy-in-action/rdp_view/en/view_projects_en.cfm):

1. Project aimed to inform the youth of a concrete region about three EU funds: EAFRD, ERDF and ESF. Besides providing overall information it also communicated an insight into concrete EU-supported projects.