

Official Journal of the European Union

C 421



English edition

Information and Notices

Volume 65

4 November 2022

Contents

II *Information*

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

European Commission

2022/C 421/01	Withdrawal of notification of a concentration (Case M.10561 – CINTRA / ABERTIS / ITINERE / BIP & DRIVE) ⁽¹⁾	1
2022/C 421/02	Information provided by the Commission in accordance with Article 8, second subparagraph, of Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services – Statistics on technical regulations notified in 2021 under the 2015/1535 notification procedure ⁽¹⁾	2
2022/C 421/03	Commission Notice – Synergies between Horizon Europe and ERDF programmes	7

IV *Notices*

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

European Commission

2022/C 421/04	Interest rate applied by the European Central Bank to its main refinancing operations: — 2,00 % on 1 November 2022 — Euro exchange rates	52
---------------	--	----

NOTICES FROM MEMBER STATES

2022/C 421/05	Information communicated by Member States regarding closure of fisheries	53
---------------	--	----

EN

⁽¹⁾ Text with EEA relevance.

V *Announcements*

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

European Commission

2022/C 421/06

Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China 54

II

*(Information)*INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES
AND AGENCIES

EUROPEAN COMMISSION

Withdrawal of notification of a concentration**(Case M.10561 – CINTRA / ABERTIS / ITINERE / BIP & DRIVE)****(Text with EEA relevance)**

(2022/C 421/01)

On 7 October 2022, the European Commission received notification ⁽¹⁾ of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽²⁾ ('Merger Regulation').

On 26 October 2022, the notifying parties informed the Commission that they withdrew their notification.

⁽¹⁾ OJ C 395, 14.10.2022, p. 12.

⁽²⁾ OJ L 24, 29.1.2004, p. 1.

Information provided by the Commission in accordance with Article 8, second subparagraph, of Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services ⁽¹⁾

Statistics on technical regulations notified in 2021 under the 2015/1535 notification procedure

(Text with EEA relevance)

(2022/C 421/02)

I. Table showing the different types of reactions addressed to Member States of the European Union regarding their respective notified drafts

Member States	Number of Notifications	Comments ⁽¹⁾			Detailed opinions ⁽²⁾		Proposals for EU legislation	
		MS	COM	EFTA ⁽³⁾ TR ⁽⁴⁾	MS	COM	6.3 ⁽⁵⁾	6.4 ⁽⁶⁾
Austria	55	2	6	0	0	0	0	0
Belgium	55	3	13	0	0	6	0	0
Bulgaria	21	3	9	0	0	4	0	0
Croatia	9	0	4	0	0	3	0	0
Cyprus	6	0	1	0	0	0	0	0
Czechia	18	4	5	0	1	2	0	0
Denmark	48	1	2	0	0	0	0	0
Estonia	11	4	0	0	1	1	0	0
Finland	25	0	4	0	1	0	0	0
France	135	23	17	0	3	0	0	0
Germany	86	2	17	0	0	4	0	0
Greece	88	0	3	0	0	5	0	0
Hungary	33	1	12	0	12	3	0	0
Ireland	5	0	0	0	0	0	0	0
Italy	30	2	4	0	0	1	0	0
Latvia	4	1	0	0	0	0	0	0
Lithuania	18	4	3	0	0	3	0	0
Luxembourg	5	0	0	0	0	0	0	0
Malta	3	0	2	0	0	0	0	0
Netherlands	62	0	7	0	1	0	0	0
Poland	41	0	6	0	2	0	0	0
Portugal	17	4	7	0	0	0	0	0
Romania	24	2	2	0	1	2	0	0

⁽¹⁾ OJ L 241, 17.9.2015, p. 1. Hereinafter 'the Directive'.

Member States	Number of Notifications	Comments ⁽¹⁾			Detailed opinions ⁽²⁾		Proposals for EU legislation	
		MS	COM	EFTA ⁽³⁾ TR ⁽⁴⁾	MS	COM	6.3 ⁽⁵⁾	6.4 ⁽⁶⁾
Slovakia	10	0	1	0	0	0	0	0
Slovenia	18	1	2	0	0	1	0	0
Spain	27	0	5	0	0	2	0	0
Sweden	62	1	4	0	0	5	1	0
EU total	916	58	136	0	22	42	1	0

⁽¹⁾ Article 5.2 of the Directive.

⁽²⁾ Article 6.2 of the Directive.

⁽³⁾ The Decision of the EEA Joint Committee No 75/2019 of 29 March 2019 amending Annex II (Technical regulations, standards, testing and certification) and Annex XI (Electronic communication, audiovisual services and information society) incorporates into the EEA Agreement the Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services. EFTA countries which are contracting parties to this Agreement may, therefore, issue comments concerning drafts notified by European Union Member States. Switzerland may also issue such comments on the basis of an informal agreement on the exchange of information in the field of technical regulations.

⁽⁴⁾ The notification procedure under the Directive was extended to Türkiye under the Association Agreement concluded with that country (the Association Agreement between the European Economic Community and Türkiye (OJ P 217, 1964, p. 3687) and Decisions 1/95 and 2/97 of the EC-Türkiye Association Council).

⁽⁵⁾ Article 6.3 of the Directive requiring Member States to postpone the adoption of the notified draft (with the exception of draft technical regulations relating to Information Society services) for twelve months from its reception by the Commission if the latter announces its intention to propose or adopt a directive, a regulation or a decision on this subject.

⁽⁶⁾ Article 6.4 of the Directive requiring Member States to postpone the adoption of the notified draft for twelve months from its reception by the Commission if the latter announces its finding that the draft concerns a matter which is covered by a proposal for a directive, regulation or decision presented to the European Parliament and the Council.

II. Table showing the breakdown by sector of the drafts notified by Member States of the European Union

Sector	AT	BE	BG	HR	CY	CZ	DK	EE	FI	FR	DE	EL	HU	IE	IT	LV	LT	LU	MT	NL	PL	PT	RO	SK	SI	ES	SE	Total
Information Society Services	4	1	0	0	0	0	0	0	2	18	13	0	1	0	13	0	1	0	0	1	2	0	0	0	3	4	0	63
Agriculture	13	13	7	6	1	7	3	2	0	12	7	7	17	2	1	1	9	0	0	9	9	2	7	0	3	6	8	152
Chemicals	1	2	0	0	0	3	2	0	5	2	5	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	3	25
Construction	24	14	1	3	3	2	8	1	6	8	26	74	2	2	7	1	2	0	1	26	3	1	4	5	4	4	3	235
Domestic and Leisure Equipment	1	1	0	0	2	0	0	0	1	0	6	0	0	0	1	0	3	0	0	1	0	0	0	0	0	3	2	21
Energy, Minerals, Wood	0	2	0	0	0	0	4	0	0	2	3	6	0	0	0	0	0	1	0	7	5	4	1	1	0	0	4	40
Environment	6	3	2	0	0	3	1	1	0	10	2	0	0	0	4	1	0	0	1	6	2	3	0	2	2	2	6	57
Goods and Miscellaneous Products	0	1	0	0	0	1	15	0	2	12	4	0	2	0	1	0	2	0	0	8	4	1	0	1	0	2	8	64
Health, Medical Equipment	0	4	0	0	0	0	8	0	0	58	1	0	0	0	0	0	0	0	0	0	3	3	1	0	0	1	1	80
Mechanics	3	4	0	0	0	0	0	3	0	1	4	1	0	1	2	1	0	0	0	0	3	3	2	0	4	0	1	33
Pharmaceuticals and Cosmetics	1	2	3	0	0	2	1	0	2	10	4	0	8	0	0	0	0	0	0	0	4	0	3	0	0	0	5	45
Telecoms	0	3	8	0	0	0	0	3	2	2	5	0	1	0	0	0	1	0	1	1	1	0	5	0	0	1	1	35
Transport	2	5	0	0	0	0	6	1	5	0	6	0	2	0	1	0	0	4	0	3	5	0	1	1	1	3	20	66
Total per Member State	55	55	21	9	6	18	48	11	25	135	86	88	33	5	30	4	18	5	3	62	41	17	24	10	18	27	62	916

III. Table showing the breakdown by number of comments issued by the European Commission on behalf of the European Union concerning drafts notified by Iceland, Liechtenstein, Norway ^(¹) and Switzerland ^(²)

Country	Notifications	EU Comments (¹)
Iceland	6	0
Liechtenstein	0	0
Norway	16	1
Switzerland	4	0
Total	26	1

(¹) The only type of reaction provided for under the Agreement on the European Economic Area (see footnotes 4 and 8) is the possibility that the European Union issues comments. The same type of reaction may be issued with regard to notifications from Switzerland on the basis of the informal agreement between the EU and this country (see footnotes 4 and 9).

IV. Table showing the breakdown by sector of drafts notified by Iceland, Norway, Liechtenstein and Switzerland

Sector	Iceland	Liechtenstein	Norway	Switzerland	Total
Agriculture	0	0	1	0	1
Chemicals	0	0	2	1	3
Mechanics	0	0	3	0	3
Health, Medical Equipment	0	0	0	0	0
Telecoms	0	0	0	3	3
Transport	1	0	5	0	6
Construction	1	0	2	0	3
Domestic and Leisure Equipment	0	0	1	0	1
Pharmaceuticals and Cosmetics	1	0	0	0	1
Goods and Miscellaneous Products	3	0	0	0	3
Information Society Services	0	0	2	0	2
Energy, Minerals, Wood	0	0	0	0	0
Total per country	6	0	16	4	26

(¹) The Agreement on the European Economic Area (see footnote 4) lays down the obligation for EFTA countries party to this Agreement to notify draft technical regulations to the Commission.

(²) On the basis of the informal agreement on the exchange of information in the field of technical regulations (see footnote 4), Switzerland also submits its draft technical regulations to the Commission.

V. Table showing drafts notified by Türkiye and the comments issued by the European Commission on behalf of the European Union relating to these drafts

Türkiye	Notifications	EU Comments
Total	13	0

VI. Table showing the breakdown by sector of drafts notified by Türkiye

Sector	Türkiye
Construction	0
Goods and Miscellaneous Products	1
Mechanics	1
Telecoms	12
Total	14

VII. Table showing drafts notified by the United Kingdom (Northern Ireland) and the comments issued by the European Commission on behalf of the European Union relating to these drafts

United Kingdom (Northern Ireland)	Notifications	EU Comments
Total	14	0

VIII. Table showing the breakdown by sector of drafts notified by the United Kingdom (Northern Ireland)

Sector	UK (Northern Ireland)
Construction	8
Goods and Miscellaneous Products	0
Agriculture	2
Energy, Minerals, Wood	1
Telecoms	2
Transports	1
Total	14

IX. Statistics on infringement proceedings in progress in 2021 and launched on the basis of Article 258 TFEU for breach of the provisions of Directive (EU) 2015/1535

Country	Number of infringements in progress and launched in 2021
EU total	1

COMMISSION NOTICE**Synergies between Horizon Europe and ERDF programmes**

(2022/C 421/03)

Table of content

	<i>Page</i>
INTRODUCTION	8
TYPES OF SYNERGIES	9
1. Seal of Excellence	9
2. Transfers from ERDF to Horizon Europe	14
3. Cumulative funding	18
4. European Partnerships	23
5. Combined funding (Teaming)	32
6. Upstream and downstream synergies	33
ANNEX 1	36
ANNEX 2	39
ANNEX 3	41

INTRODUCTION

The regulatory framework for 2021-2027 governing cohesion policy funds under shared management and funds under direct management allows for strengthened synergies between these two types of EU funding ⁽¹⁾.

Relevant mechanisms include Seals of Excellence, transfers, cumulative funding (which can also be used to support Horizon Europe (HE) Co-funded and Institutionalised European Partnerships), and support for Teaming. This guidance document covers these mechanisms and 'upstream/downstream synergies'.

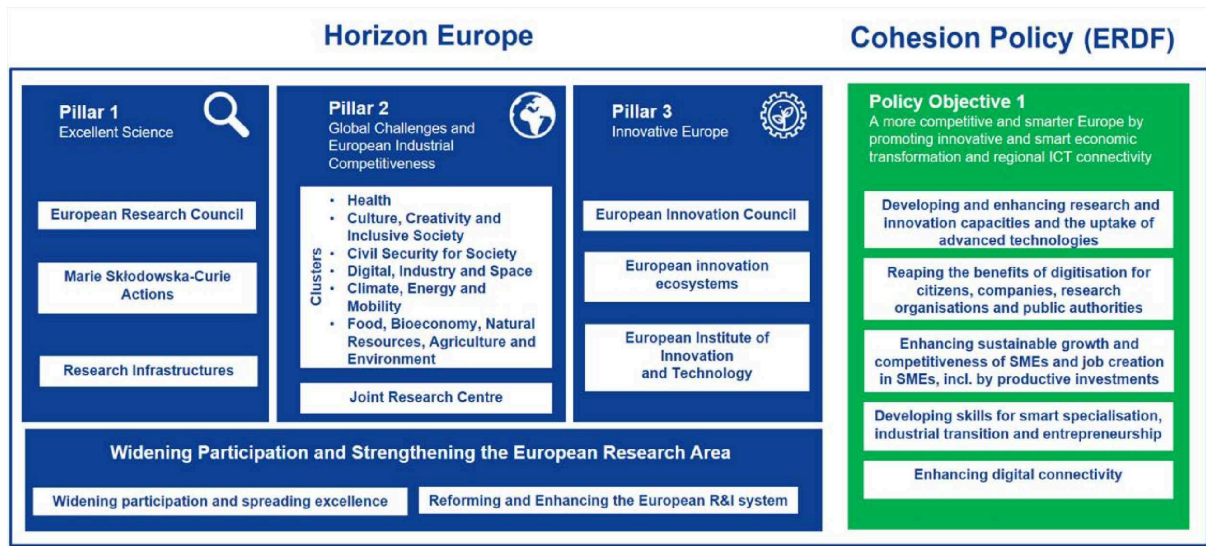
The purpose of this document is to outline the new opportunities available to the managing authorities (MAs) of the cohesion policy programmes, national HE contact points and HE project promoters/proposers. The document is also intended to make it easier to use the relevant mechanisms mentioned in the previous paragraph. It focuses on synergies between HE and the European Regional Development Fund (ERDF) programmes ⁽²⁾.

The operational dimension of synergies, where a lot of progress has been made in the legislation for 2021-2027, is equally important and complements the strategic dimension. A regular exchange of views on synergies between Member States' authorities involved in the cohesion policy programmes and the implementation of HE would help raise awareness of the possibilities offered by synergies in the Member States.

Strategic context at EU level

It is a priority for EU policy to promote innovative and smart and sustainable economic transformation and to foster excellence in research and innovation (R&I), while also mitigating and overcoming the persistent innovation divide (the gap between the capacity to innovate of Member States' private and public sectors). HE and the ERDF are key EU instruments for delivering results on these interlinked objectives.

HE focuses on supporting excellent R&I, in line with Article 179 of the Treaty on the Functioning of the European Union (TFEU). Cohesion policy aims to promote and support the overall harmonious development of Member States and their regions, in line with Article 174 TFEU, particularly by reducing regional disparities. The figure below illustrates the main structural elements of HE and cohesion policy support for R&I.



Bringing cohesion policy and HE closer together has therefore been an important priority for the Commission in recent years, particularly when preparing for 2021-2027. The aim is to reinforce the impact of both policies by creating complementarities, especially in less developed and peripheral regions. Promoting an integrated approach and strengthening synergies between these key EU instruments (and their respective pillars and policy objectives) can offer new win-win situations where everyone benefits. One can for example foster sustainable and smart regional economic development, while at the same time improving the EU's innovation ecosystem overall and making it better at responding to key societal challenges and developing key strategic value chains.

⁽¹⁾ This can also apply to indirectly managed EU funds.

⁽²⁾ In view of the alignment of the provisions of directly managed Union programmes, e.g. HE, DEP, CEF concerning synergies with programmes under shared management, elements of this document may be considered as guidance for the operationalisation of synergies between such directly managed Union programmes and ERDF programmes – while carefully considering specificities of each applicable legal base and policy considerations specific to each such programme.

This approach creates new opportunities to help foster innovation in all regions and to better integrate less-developed and peripheral regions into the European Research Area (ERA) and the European Innovation Ecosystem (EIE).

The Commission's Communication on a new ERA for R&I ⁽³⁾ marked an important step in the ERA's creation. The aim of the ERA is to build excellence, cross-border cooperation between researchers, critical mass in key strategic areas, and opportunities for researchers to relocate and ultimately create an open single market for R&I. The new forward-looking plan set out in the Communication has ambitious set of four policy objectives – prioritise investment and reform; improve access to excellence and strengthen R&I systems across the whole of the EU; improve the transfer of new R&I to business; and deepen the integration of national policies.

In addition, the Commission adopted a proposal on 16 July 2021 for a Council Recommendation on a Pact for Research and Innovation in Europe ⁽⁴⁾. The Recommendation sets out a number of priority areas for joint action in support of the ERA. This includes working together to respond to the challenges of the digital and green transition (for example, in the implementation of missions and European Partnerships under HE).

Synergies are based on the MAs of R&I-relevant programmes knowing each other and their programmes. They are also based on national R&I representatives knowing the HE priorities and actions (such as new missions and partnerships) and regional smart specialisation priorities. These priorities and actions are an excellent reference point for developing complementarities. Synergies between the R&I framework and cohesion programmes can maximise the amount, quality and impact of investment in R&I, by designing strategic plans that complement each other and using different funding streams (in line with the specific objectives of each programme/fund).

Smart specialisation strategies (S3) are crucial for synergies with smart growth-related instruments at EU level (especially with HE). Bottom-up S3 priority-setting should make it easier to find partners in other Member States with a view to cooperating on related topics and value chains.

With respect to the ERDF, Article 11(1)(b)(iii) of the Common Provisions Regulation (CPR) ⁽⁵⁾ requires Member States to specify in their strategic partnership agreements: 'complementarities and synergies between the funds covered by the Partnership Agreement [...] and other Union instruments [...] and, where appropriate, projects funded under Horizon Europe'. Similarly, for each cohesion policy programme, Article 22(3)(a)(iii) CPR requires a summary of the main challenges, considering 'investment needs and complementarity and synergies with other forms of support'.

In all cases, it is for the MAs to decide whether or not to use synergy mechanisms.

TYPES OF SYNERGIES

1. Seal of Excellence

The Seal of Excellence is a quality label awarded by the Commission to a proposal which has been submitted to a competitive call for proposals under an EU instrument and judged to comply with the minimum quality requirements of that EU instrument, but which could not be funded due to budgetary constraints. The Seal of Excellence indicates that a project might be a good candidate for receiving support from other EU or national sources of funding.

A Seal of Excellence under HE recognises the value of the proposal and helps other funding bodies take advantage of the HE evaluation process. It can for example be awarded to proposals submitted under HE's European Innovation Council (EIC) Accelerator (a former SME Instrument), EIC Transition, Marie Skłodowska-Curie actions (MSCA), Teaming and European Research Council (ERC) Proof of Concept.

⁽³⁾ COM(2020) 628 final, 30 September 2020.

⁽⁴⁾ COM(2021) 407 final.

⁽⁵⁾ Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (OJ L 231, 30.6.2021, p 159).

MAs for cohesion policy in the Member States can follow a simplified selection procedure when deciding on funding operations with a Seal of Excellence ⁽⁶⁾ from ERDF programmes. Such operations have to meet three criteria:

- Firstly, they must be consistent with the programme (and with the relevant strategies underlying the programme) and provide an effective contribution to the achievement of the specific objectives of the programme.
- Secondly, where they fall within the scope of an enabling condition, they have to be consistent with the corresponding strategies and planning documents for the fulfilment of that enabling condition.
- Thirdly, they must fall within the scope of the relevant fund and be attributed to a type of intervention ⁽⁷⁾.

Relevant legislation	CPR	Articles 2(45) and 73(4) and Recital (61)
	HE	Articles 2(23), 15(2), 24(4), and 48(7)
Related legislation	General Block Exemption Regulation (GBER)	Articles 25a and 25b (State aid)

Policy considerations

The Seal of Excellence is a quality label awarded to project proposals submitted to HE (the EU's R&I funding programme until 2027) and to its predecessor programme, Horizon 2020. The Seal of Excellence certifies that these proposals are excellent and raises their profile in the eyes of possible funding bodies (private or public; national or regional; including MAs of the cohesion policy funds) interested in investing in promising R&I projects. The Seal of Excellence thereby helps these proposals find alternative funding.

Funding bodies can also take advantage of the well-established and high-quality HE evaluation process to promote territorial development. This allows Member States and regions to identify and benefit from a pipeline of excellent R&I project proposals in their territory that would improve their R&I performance and capacity.

Project applicants who receive a positive evaluation in an HE call and a Seal of Excellence may apply for possible ERDF funding if the project is aligned with the priorities of the cohesion policy programmes of the project promoters' Member State or region.

The Seal of Excellence certificate contains all the basic information on the proposal that is needed by a funding body that wants to identify the proposal and understand its key features and value (title of the proposal, reference to the call/topic, and name and address of the proposer's legal entity). It is digitally sealed against fraud, as are the project proposal and the evaluation summary report (this is indicated in the documents). Finally, the signatures of the Commissioner for Cohesion and Reforms and the Commissioner for Innovation, Research, Culture, Education and Youth demonstrate their political commitment to mobilising alternative funding for these projects.

The Seal of Excellence is particularly suitable for single-beneficiary HE components (such as EIC Accelerator and EIC Transition, MSCA, ERC Proof of Concept, Teaming). While multi-beneficiary Seals of Excellence could also be considered in the future, the current intention is to award the Seal of Excellence only to mono-beneficiary components during the first phase of HE. This condition will need to be specified in the relevant call. Components granting the Seal of Excellence will be indicated in the relevant work programme.

⁽⁶⁾ While this document focuses on the Seals of Excellence envisaged under Horizon Europe, the possibility of granting Seals of Excellence is also laid down in the basic acts of 14 other programmes within the EU's multiannual financial framework (Digital Europe, Single Market Programme, LIFE, Creative Europe, Erasmus+, Space Programme, European Solidarity Corps, Connecting Europe Facility, Justice Programme, Citizens, Equality, Rights and Values Programme, Euratom, Asylum, Migration and Integration Fund, Integrated Border Management Fund and Internal Security Fund).

⁽⁷⁾ See points (a), (b),(g) of Article 73(2) and Article 73(4) of the CPR.

The Commission can also award Seals of Excellence to project proposals from outside the EU (particularly from countries associated with HE) that can use other sources of funding not linked to cohesion policy.

Support for Seal of Excellence project funding from an ERDF programme is voluntary, depending on the MA's decision and in line with the programme. The certificate does not therefore give an automatic right to obtain alternative funding. It is a possibility that the Member State or region can decide to explore, but the final decision rests with the relevant MA.

The following simplifications have been made to avoid unnecessary duplication of work by beneficiaries and MAs when submitting, evaluating and selecting operations for ERDF support.

- Member States, regions and beneficiaries can apply the HE categories, maximum amounts and methods of calculation of eligible costs benefiting from simplifications of applicable EU State aid rules (the GBER).
- The HE technical/content evaluation is considered valid. This means that the MA of an ERDF programme does not need to perform a new one. However, before signing the document setting out the conditions for support with beneficiaries, MAs need to check that those projects meet CPR and ERDF specific requirements that are not covered by the HE evaluation. This is because these projects need to be formally selected in line with the CPR – i.e. special eligibility (SMEs in difficulty), contribution to alternative funding programme objectives, applicable enabling conditions, and scope of the fund (see points (a), (b) and (g) of Article 73(2) CPR).



Main steps in the process

Preparation / programming	<ul style="list-style-type: none"> — The annual or biannual HE work programmes specify the calls for which Seals of Excellence may be awarded. These HE work programmes can be viewed and downloaded on the Funding and Tenders Portal. (https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/programmes/horizon) — Member States and regions should inform the Commission if they are or are not willing to allow ERDF programmes to provide support to projects with an HE Seal of Excellence. Member States or regions may include this information in the partnership agreement's section on complementarities and synergies, and in the description of the specific objective in the relevant ERDF programme. The MA can decide to support Seal of Excellence project proposals even if they are not explicitly mentioned in the partnership agreement or programme. The MA must in any case ensure that selected projects comply with the programme.
Awarding of Seals of Excellence by the Commission	<ul style="list-style-type: none"> — The Seal of Excellence certificate is awarded to eligible proposals and transmitted together with a letter that informs the proposers of the results of the evaluation. The HE work programmes provide more details on the conditions and the process for receiving a Seal of Excellence.
Allocation of support	<ul style="list-style-type: none"> — The Seal of Excellence holder applies directly to the given ERDF programme. — Seal of Excellence projects do not have to go through a regular ERDF project selection process. They must nevertheless undergo at least a simplified assessment under the selection criteria approved by the Monitoring Committee (compliance with applicable enabling conditions, scope of the fund, and programme objectives together with applicable EU State aid rules) to ensure that the operations meet the requirements set out in points (a), (b) and (g) of Article 73(2) CPR, as set out by Article 73(4) CPR.

	<ul style="list-style-type: none"> — The assessment of Seal of Excellence projects for ERDF funding should be a simplified assessment (compliance check), but national procedures may vary. MAs may choose what they consider to be the best option (launching an open call; ‘first come first served’ etc.; or directly selecting projects when the programme provides this option, provided that the principles of transparency and non-discrimination are respected). — For cohesion policy support, MAs might, using selection criteria, set thresholds that are higher than the minimum scores required for HE funding. — The Seal of Excellence website contains various examples. (https://ec.europa.eu/info/research-and-innovation/funding/funding-opportunities/seal-excellence_en#how) — The ERDF programme is encouraged to inform DG REGIO (relevant geographical unit) and the dedicated Seal of Excellence community of practice (RTD-SEAL-OF-EXCELLENCE@ec.europa.eu) of their support for Seal of Excellence projects.
Implementation, monitoring & control	<ul style="list-style-type: none"> — Beneficiaries implement projects in line with cohesion policy rules and procedures. Proposals with a Seal of Excellence are co-financed in accordance with CPR rules and the specific ERDF rules. Provided that it complies with the rules of the programme, it is possible for the MA to apply certain categories of HE rules (for example, to the categories, maximum amounts and methods of calculating eligible costs). The MA must state these elements in the document setting out the conditions for support. — The applied co-financing rate applied to overall public funding for the project shall not exceed the funding rate under the HE programme rules if support is granted in the form of State aid under Articles 25a or 25b GBER (see the section on State aid below). — The same rules apply for monitoring and control as for other operations under the relevant ERDF programme. — The public HE dashboard provides aggregated data on the Seal of Excellence, with visualisation of the Seal by country and region.



Important to know

What about EU State aid rules?

Funding from ERDF programmes can fall under EU State aid rules if the beneficiaries are undertakings. In such cases, the funding must be compatible with the internal market, based on applicable EU State aid rules. For projects that have received the Seal of Excellence, Articles 25a and 25b of the GBER⁽⁸⁾ are an option for Member States to ensure the compatibility with the internal market. Moreover, the GBER sets out a number of general conditions that all aid measures implemented under the GBER must meet, regardless of their objective. The specific conditions set out in Articles 25a and 25b of the GBER permit ERDF funding for projects that have received a Seal of Excellence – at the same funding rate and with the same eligible HE costs – without prior formal notification to the Commission and without the need to run another technical evaluation. The authority that grants aid is obliged to comply with the applicable general and specific GBER conditions when awarding the funding. In addition to its original HE application, the Seal of Excellence holder has to meet the selection criteria applicable to Seal of Excellence projects established by the MA and must also make sure that it complies with the applicable State aid rules.

⁽⁸⁾ Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p 1, as amended). A consolidated version of the amended Regulation is available on the website of the European Commission, for information purposes only: https://ec.europa.eu/competition-policy/state-aid/legislation/regulations_en

As MA/another funding body, how can we keep informed of developments and best practices in supporting Seal of Excellence proposals?

The dedicated Seal of Excellence community of practice will continue to allow interested ERDF MAs and other funding bodies to exchange best practices on how to support Seal of Excellence proposals, stay up to date on the latest developments, and access all relevant information and data on Seal of Excellence proposals in their regions (number, funding requested, etc.). This should make it easier to plan alternative funding schemes.

As MA/another funding body, how can we keep informed of the proposals in our country/region that have received the Seal of Excellence?

Seal of Excellence holders are requested to give their consent for a limited set of information (i.e. contact details such as the company name, company address and email of contact person, an abstract of the proposal, the amount of financial support requested, and keywords that are used) to be shared with the MAs for cohesion policy and other public or private entities that are potentially interested in funding or supporting their company. The MAs will be able to access this information and to contact the Seal of Excellence holder. On the Seal of excellence dedicated website further information is provided on how to use the Seal of Excellence and how to find the contact details of the MAs per country.

Under what conditions can MAs fund projects that applied to HE but were not selected for HE funding and did not receive a Seal of Excellence?

For cohesion policy to support a project that does not hold a Seal of Excellence, the project must undergo the standard full assessment required under a cohesion policy programme (the simplified assessment applies *only* to projects with a Seal of Excellence and to operations selected under a programme co-funded by HE).



Practical example

A project with a Seal of Excellence from HE's EIC Accelerator (EIC work programme 2022, p. 74, including footnotes 63 and 64):

An SME applies in response to an HE call and passes the pre-jury evaluation steps ('GO') set out in the EIC's annual work programme. Despite its high quality, the EIC jury finds that the project proposal cannot be funded due to a lack of sufficient available funds. The SME would normally receive a Seal of Excellence (except in specific cases set out in the EIC work programme – for instance, where the SME does not consent to the sharing of information on its proposal).

An SME that holds a Seal of Excellence can then approach other funding bodies – for instance, the MAs of cohesion policy programmes. With the applicant's prior authorisation, the Commission can also share basic information, in particular contact details, on the successful application. Regarding the evaluation results and other sensitive data, their communication to interested financing authorities is subject to the conclusion of specific confidentiality agreements. In addition, and with the applicant's consent, the Commission may share information with other organisations that can support the SME – for example, the Enterprise Europe Network (EEN). The EEN can provide one-to-one support services to SMEs that hold a Seal of Excellence in order to help them identify relevant alternative funding sources (including ERDF-funded programmes), and to help them with any application process (including a possible adjustment of the project proposal), capacity-building for application processes and presentational skills, and give them links to other relevant support services such as matchmaking and the identification of suitable business partners. EEN's services, tailor-made to the needs of each individual Seal of Excellence holder, take the form of three- to five-day service packages provided free of charge to the SME in question.

To support Seal of Excellence projects, MAs may decide that the categories, maximum amounts and methods of calculation of eligible costs will follow HE rules provided that the State aid compatibility conditions established under Article 25a and Chapter 1 of the GBER are met. If so, they may apply the rules for the Accelerator set out in the Horizon Framework Programme (the grant or the reimbursable advance component of the Accelerator support shall not exceed 70 % of the

total eligible costs of the selected innovation action' – Article 48(9) of the Horizon Framework Programme Regulation⁽⁹⁾. Furthermore, as explained in the Horizon Specific Programme (point 1.1.2), 'the combination and volume of financing' under the Accelerator 'will be adapted to the needs of the company, its size and stage, the nature of the technology or innovation and the length of the innovation cycle'⁽¹⁰⁾.

If envisaged in the work programme, HE EIC Seal of Excellence holders can benefit from matchmaking events organised by the EIC's business acceleration services to connect the EIC community of innovators – including those holding a Seal of Excellence – and investors, partners and public buyers. The EIC's business acceleration services also provide a range of coaching and mentoring services, and provide innovators with access to international networks of potential partners, including potential industrial partners, in order to complement a value chain, develop market opportunities and/or find investors or other sources of private or corporate finance⁽¹¹⁾.

EIC accelerator Seal of Excellence proposals are promoted not only to ERDF MAs, but also to private funding sources (e.g. through specific e-pitching and matchmaking events organised by Seal of Excellence dedicated networks and communities, and by flagging the Seal of Excellence in the InvestEU portal).

2. Transfers from ERDF to Horizon Europe

Under Article 26(1) CPR, Member States may request the transfer of up to 5 % of their resources under shared management to any other EU fund(s) or instrument(s) under direct or indirect management. The 5 % limit applies to the initial national allocation of a given fund and not to a specific programme or (category of) region. Transferred resources may only be used for future budgetary commitments (i.e. for following years). The resources must be used for the benefit of the Member State concerned⁽¹²⁾.

Such transferred amounts do not count for thematic concentration for the ERDF.

HE allows all its parts to receive transfers of resources from shared management programmes.

Relevant legislation	CPR	Article 26 CPR Transfer of resources and Recital (19)
	Horizon Europe	Article 15(5), (6)
Related legislation	CPR	Article 24 (Amendment of programmes)

Policy considerations

MAs may use transfers to enable excellent HE proposals from their Member State/region to participate in HE when budgetary constraints would otherwise prevent them from being selected for HE support.

Transfers can add value when they are directed towards R&I areas that have been identified as priorities in national and/or regional S3 and that are typically heavily over-subscribed in HE calls. However, it is not a legal requirement that investments covered by the transferred funds match smart specialisation priorities.

Transfers provide opportunities to, *inter alia*:

- strengthen participation in HE by beneficiaries from regions/Member States that have traditionally had a low participation and success rate in HE;
- boost projects in areas identified as priorities through smart specialisation;

⁽⁹⁾ Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013.

⁽¹⁰⁾ Council Decision (EU) 2021/764 of 10 May 2021 establishing the Specific Programme implementing Horizon Europe – the Framework Programme for Research and Innovation, and repealing Decision 2013/743/EU.

⁽¹¹⁾ EIC Work Programme 2022.

⁽¹²⁾ Transfers are also possible to other directly managed programmes, see for example Article 4(14) of CEF Regulation, applicable to the digital sector, and Article 9(5) of DEP Regulation.

- preserve administrative capacity at national/regional level in the selection and follow-up of R&I projects, because this will be done not by the MA under the CPR rules, but by the respective agency under HE rules (especially when there are not enough excellent projects to justify a full call at national/regional level under the CPR programme; when there are a large number of these excellent proposals under HE; or when the MA of the CPR programme wants to diversify its type of support).

Transfers are particularly suitable for single-beneficiary components. The first phase of HE will allow transfer only for these components.

Transferred resources must be used for the benefit of the Member State concerned. A Member State may limit the territorial scope of the transfer to a specific region (i.e. namely the region covered by a cohesion policy programme from which the resources are being transferred).

Transfers may enable Member States or regions with low rates of participation in HE to build up their R&I capacities by increasing their own legal entities' participation in HE. This is because a transfer may only benefit the beneficiaries from that given Member State/region.

A transfer to HE can also provide learning opportunities for project promoters such as SMEs or universities, because they will be able to enter the HE process thanks to the extra resources made available to HE by the transfer by their Member State or region. The project will enter the grant preparation process, be fully subject to HE rules, including funding rates. The relevant Commission agency will monitor the project throughout its duration.



Main steps in the process

<p>Preparation</p>	<ul style="list-style-type: none"> — Transfers must be explicitly specified in the partnership agreement (or in a request for an amendment to a programme if agreed by the Monitoring Committee (MC)) ⁽¹³⁾. If transfers are not initially indicated in the partnership agreement, they can still be requested at any time later through a request for an amendment to the shared management programme in question (including its financing plan). — Transfers through a programme amendment require the MC's prior approval. Furthermore, '[w]here the request concerns an amendment of a programme, only resources of future calendar years may be transferred.' See Article 24 and 26 CPR for more details on the requirements. — When requesting a transfer, the Member State/MA must explain how the transfer would benefit the transferring Member State or (in the case of a regional programme) specific regions, and how it would help to achieve the objectives of the receiving instrument. To facilitate implementation, the request could specify the HE component (e.g. EIC Accelerator) targeted by the transfer. — To define the component and the amount to be transferred, Commission services may provide an estimate of the amount likely to be absorbed in the period in question, on the basis of the that Member State/region's track record in the chosen component.
<p>Assessment of requests by the Commission</p>	<ul style="list-style-type: none"> — The Commission must object to a request for a transfer if it would undermine the achievement of the objectives of the programme from which the resources would be transferred. — If the Commission approves the transfer, this is officially confirmed in the decision approving the partnership agreement or the programme amendment. — The timeline for the approval of the transfer request is presented below this table.

⁽¹³⁾ Table 4.2. of PA template (Annex II CPR) on 'Transfers to instruments under direct or indirect management' provides for the identification of the specific instrument to which ERDF amounts are transferred.

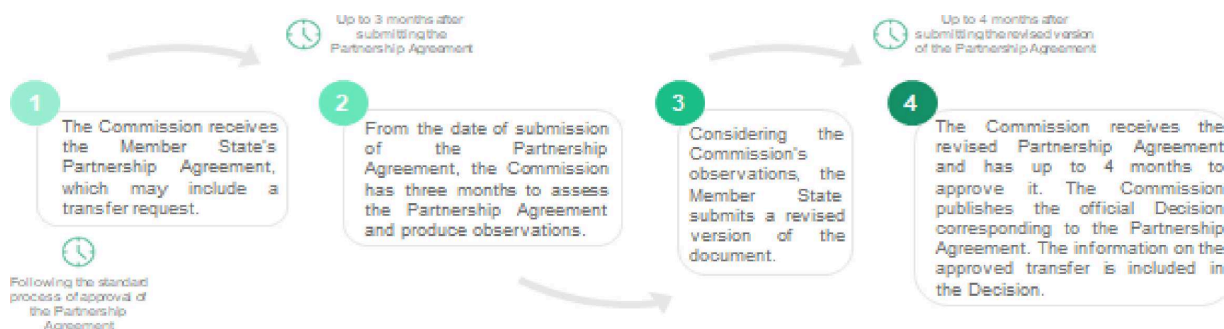
Allocation of support	<ul style="list-style-type: none"> — Once the transfer is approved, it becomes available to HE in the following calendar year for calls of that year. From that time the transfer can then be used for the benefit of the Member State/region concerned. It may support proposals which are located in the transferring regions/country and which have been positively evaluated by independent experts, but could not be accepted due to budgetary constraints. The transfer supplements – rather than replaces – support from the original HE budget. — Projects are selected on the basis of the ranking list that results from the HE evaluation or from specific rules (while respecting the national/regional ring-fencing of the transferred amount). In the case of the EIC Accelerator, the transferred budget will be allocated on a 'first come, first served' basis in accordance with the cut-off planning (selection processes are launched every 3 months) until it is used up. — HE rules apply to the transferred amounts, which are subject to the same project implementation conditions as any other HE project. — NUTS2 code level will be used to define the region. Data on funded projects (analysed by region) are publicly available on the HE dashboard. The dashboard will indicate that the project was supported with transferred money.
Implementation, monitoring and control	<ul style="list-style-type: none"> — Following the transfer, implementation (including monitoring) is carried out exclusively by the Commission under HE rules, no longer by the MAs of shared management programmes. The MAs nevertheless have a role to play in the case of transfers back to cohesion policy and the submission of a programme amendment. — The transfer has no direct consequences for project promoters or beneficiaries, who follow HE rules and procedures.



Timeline for transfer requests

Phase 1: Request to transfer funds from a cohesion policy instrument

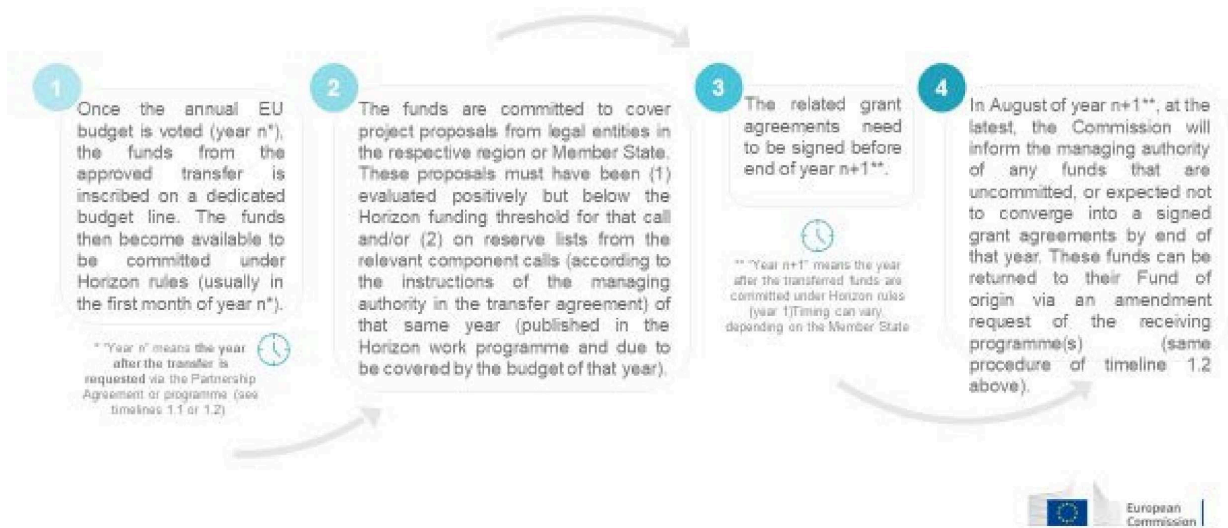
1.1 Transfer request via partnership agreement



1.2 Transfer request included in programme amendment



Phase 2: Implementing the transferred funds through HE



! Important to know

Can transferred resources be transferred back to their original fund?

If the Commission has not legally committed the transferred money under HE by 31 August of year n+1, the corresponding uncommitted resources may be transferred back to the fund from which they had initially been transferred. They may then be reallocated to one or more programmes (Article 26(7) CPR, Article 15(6) HE) at the Member State's request.

The same procedure of requesting a programme amendment applies (Article 24 CPR) and the request must be submitted to the Commission at least 4 months before the deadline for (financial) commitments (i.e. by 31 August of year n+1).

Resources that have been transferred back will then be reallocated to the receiving programme(s) and be subject to CPR rules.

If the Commission needs to recover funds from HE beneficiaries who have received a transfer from the ERDF, would these funds be returned to the ERDF programme?

No. The appropriations would not return to the original budget line (ERDF), but would remain with the relevant programme. In this specific case, they would remain with the HE programme (to which they had been transferred from the ERDF).



Practical example

A Member State decides to transfer part of the resources of a given ERDF programme for future calendar years to HE ⁽¹⁴⁾ by amending the programme in line with Article 24 CPR.

The Commission agrees that the transfer has been properly justified and is in line with the objectives of the programme from which the resources will be transferred. The Commission approves the programme amendment, after the MC has given its agreement. The Member States and the Commission also discuss the geographic scope (determined by the territory of the transferring programme), intended use of the transferred resources under HE (at the level of the HE component) and the amount to be transferred on the basis of the estimated 'absorption capacity' (for example, using historical statistics on participation for similar calls of that country/region).

The Member State intends to use the transferred resources to fund SME proposals under an EIC Accelerator HE call. It intends to do this through grant agreements that are to be concluded at the latest by the end of year n+1 (i.e. the year following the year in which the resources are transferred to HE).

The resources are used to fund SME proposals submitted under the EIC Accelerator that have been evaluated after the Member State's decision to transfer the money.

HE (at present) covers any additional administrative costs of executing the transfer. An assessment of whether this approach can be maintained will be done as part of the programme's mid-term review.

The Member State can ask to transfer uncommitted resources back to the ERDF up to 4 months before the end of year n+1 (i.e. by 31 August). It does so by requesting an amendment to the programme(s) in which these resources will be included. The request is subject to the Commission's approval. The decommitment rule will start to apply from the year in which the corresponding budgetary commitments are made.

3. Cumulative funding

Cumulative funding means that an operation/project receives support from more than one fund, programme or instrument (including both shared and directly managed funds) for the same item of cost/expenditure. As is the case for the other synergy mechanisms, cumulative funding is not automatic. Rather, it is an option that can be explored by MAs for cohesion policy and the granting authority for directly managed EU programmes. Cumulative funding can only be applied with the agreement of all parties involved (i.e. MAs and the granting authority for directly managed EU programmes).

Relevant legislation	CPR	Article 63(9)
	HE	Article 15(4)
Related legislation	Digital Europe Programme	Article 23(1) ⁽¹⁾

⁽¹⁾ It should be noted that Article 23(1) of DEP Regulation, as well as e.g. Article 19(1) of CEF.2 Regulation, contain provisions identical to Article 15(4) of HE Regulation. This, in turn, allows for the alignment of the implementation arrangements concerning cumulative funding between these programmes.

Policy considerations/potential benefits

Cumulative funding makes it possible to spread the financial burden of an operation and to address possible budgetary constraints (e.g. those stemming from an instrument's lower funding rates) because it can allow up to 100 % of a synergy project to be funded from the EU's budget, provided relevant State aid rules are complied with. It also makes it possible to support national contributions, particularly in less developed Member States and regions.

Cumulative funding can also pool resources from different EU instruments under both direct and shared management, and it makes 100 % financing from EU resources possible. Cumulative funding therefore provides an opportunity to strengthen the links between the complementary R&I priorities of HE calls and ERDF programmes (and related S3).

⁽¹⁴⁾ Within the limits of Article 26(1) CPR.



Main steps in the process

Preparation / programming	<ul style="list-style-type: none"> — Cumulative funding between direct and shared management is possible for the same expenditure of an operation, provided specific arrangements are made to ensure compliance with Article 63(9) CPR and 191(3) of the Financial Regulation. Programme authorities should pay particular attention to the following interpretation of Article 63(9) CPR and Article 191(3) FR and implement cumulative funding according to the practical steps below. — Article 63(9) first sub-paragraph of the CPR provides a <i>prohibition of double declaration of expenditure under the CPR</i>, stating that the same item of expenditure can only be reimbursed under a single Union funding instrument and that there can be no duplicate Union funding linked to the same item of expenditure. This prohibition of double declaration applies in relation to expenditure declared in a payment application by a managing authority to the Commission and not in relation to a payment claim submitted to the national authorities by a beneficiary for a specific operation. — This provision corresponds to Article 191(3) FR. Nevertheless, the Financial Regulation allows for the cumulative award of grants from the EU budget, if authorised by the basic acts. For the MFF 2021-2027, most of the basic acts, including Horizon Europe, allow for the cumulation of grants, provided that they do not reimburse more than 100 % of the eligible costs. — The MA may state in the cohesion policy programme its intention to allow cumulative funding and the areas in which such funding would offer benefits. Even if the programme does not refer to this mechanism, cumulative funding can still be applied if the operations are in line with the programme's priorities. — The MAs and the Commission services/granting authority (for the directly managed EU programme in question) may then agree to launch coordinated calls. These calls should: <ul style="list-style-type: none"> — be coordinated between the MAs and the Commission services/granting authority and ideally be launched at the same time; — mention that if the applicant chooses to apply for both instruments' calls and if both applications are accepted, the project can receive cumulative funding (i.e. support from both instruments); — spell out that, for each grant, the applicable procedures and eligibility rules are to be complied with. — define the funding rates and conditions that will apply in the following three scenarios: <ol style="list-style-type: none"> (i) if the applicant chooses to apply for both instruments' calls and both applications are accepted; (ii) if the applicant chooses to apply for both instruments' calls, but only one of the applications is accepted; (iii) if the applicant chooses to apply for only one of the two instruments' calls.
----------------------------------	--

	<p>In addition, the calls should indicate:</p> <ul style="list-style-type: none"> — the eligibility rules (depending on the funding source, there may be two separate sets of eligibility rules), the cost-eligibility period, the project duration, the reporting periods, the deadlines for approval of the two grants (the relevant MAs and the granting authority for the directly managed EU programme. should coordinate the deadlines in advance) — the funding rates that will be applied under both instruments (under the respective legal rules). The combined funding rates must not exceed 100 % of the eligible costs and must comply with the State aid rules. — the content that applicants should present in their proposals (more information is provided below under ‘allocation for support’).
Allocation of support	<ul style="list-style-type: none"> — Proposals should include all the elements that the MA and the granting authority for the directly managed EU programme will evaluate in their respective selection processes. — The selection and evaluation of proposals will be conducted separately for each call, according to each instrument’s mechanisms and rules. — Selection under one call is not a guarantee of selection under the other. — Proposals must indicate whether or not the applicant will apply in response to the other instrument’s call. <p>If the answer is ‘yes’, the need for efficient coordination of funding instruments means that the application must also indicate whether or not the applicant intends to proceed with the potentially co-funded project if the project is (i) selected only by the MA or (ii) selected only by the granting authority under the directly managed EU programme.</p> <ul style="list-style-type: none"> — If only one of the applications is successful, the responsible authority (the MA or the direct management granting authority) concludes a grant agreement with the beneficiary in line with the rules of the respective fund/instrument. For example, if the agreement is with the MA (for support under a cohesion policy programme), CPR and EU State aid rules apply and the document setting out the conditions for support is issued. — In case of application and selection under both calls, the beneficiary should conclude two separate grant agreements – one with the MA, so-called document setting out the conditions for support, and another with the granting authority for the directly managed EU programme. Each grant agreement should (i) state the applicable rules of the respective fund/instrument and (ii) indicate the link to the other grant. A grant agreement under a directly managed EU programme is flagged as a ‘synergy action’ in the Data Sheet (either during grant preparation or during a grant amendment) and corresponding optional provisions will be activated. — The respective authorities (MAs and granting authorities for directly managed programmes) must ensure that the combined funding rates applied at the level of operation do not exceed 100 % of eligible costs.

	<ul style="list-style-type: none"> — Under shared management, the funding rate applied at the level of an operation and the co-financing rate at the level of the relevant priority may differ. In the synergy actions, the co-financing rate at the priority level is to be taken into account, but ultimately it will be the funding rate at the level of the operation as set in the document setting out the conditions for support that will be used for purposes of reconciliation with the funding rate in the directly managed programme and ensuring that not more than 100 % is covered by the Union budget.
Implementation, monitoring & control	<p><i>Implementation</i></p> <ul style="list-style-type: none"> — In order to allow 100 % financing from the Union budget in line with the intention for synergy actions, there should be a single declaration of expenditure made to the Commission for the given synergy project. This single declaration should be made from the shared management authorities to the Commission in a payment application (and cover the eligible costs declared by the beneficiary to the MA which would be added as additional information by the MA in this payment application to the Commission). In this manner, the prohibition of double declaration of expenditure to the Commission under Article 63(9) of the CPR will not be infringed for the purposes of the payments under shared management. — The beneficiary must therefore firstly declare all eligible expenditure to the MA in accordance with the terms of the grant. — The MA informs the beneficiary when the expenditure is included in a payment application to the Commission under shared management. This applies to any payment application submitted in line with Article 91 CPR: for the ERDF programmes, the Member State shall submit a maximum of six payment applications per programme, per Fund and per accounting year. Every year, one payment application may be submitted at any time in each time period between the following dates: 28 February, 31 May, 31 July, 31 October, 30 November and 31 December. — A copy of a declaration from beneficiary to the MA (together with a copy of the MA information to beneficiary confirming that the expenditure was included in a payment application to the Commission) will then be attached as a supporting document to the payment application introduced in eGrants by the beneficiary. — Under no circumstances should costs be first included in a payment application under the directly managed grant as this would render them ineligible for shared management. — With regard to the payment application submitted by the MA to the Commission, the contribution from the ERDF follows the rules on the co-financing rate and maximum support from the funds for each of the priorities set out in Article 112 CPR (co-financing at priority level). The contribution from the directly managed programme does not count towards this co-financing rate and is to be presented as a national (public) contribution. — It is noted that payment applications under shared management are made at the level of priorities and not per operation. The MA should specify for each payment application the amounts related to the synergy projects within each priority.

- Once the expenditure is included in a payment application to the Commission by the MA, the beneficiary/coordinator will upload in eGrants a copy of the declaration submitted to the MA (together with a copy of the MA information to beneficiary confirming that the expenditure was included in a payment application to the Commission) and provide information on the co-financing rate applied/to be applied at the level of operation and at the level of the priority axis by the MA and at the same time enter all information on the implementation of the action as required by the rules of the directly managed programme (using the Funding and Tenders Portal for the electronic management of EU grants).
 - This means that the beneficiary will not be able to be paid by the direct management until this copy of the declaration to the MA is not submitted, meaning waiting for a maximum of 2 months.
 - Both granting authorities should have sufficient information and evidence on the other existing or planned EU financing to avoid double-financing throughout the life cycle of a synergy action. So long as the contributions are capped at a certain amount on the basis of a coordinated percentage of eligible costs, overall combined EU support will not exceed total costs.
 - The responsibility for ensuring the compliance with State aid rules is verified.
 - The implementation of this approach will not require any additional measures to be taken by the programme authorities under shared management other than informing the beneficiary of the date when the relevant expenditure is declared to the Commission.
- Monitoring*
- No exception to the rules is made for cumulative funding for the purposes of ERDF reporting. Annex VII CPR is to be completed and ERDF contributions are to be taken into account.
 - For the purposes of payment applications in line with Annex XXIII CPR, ERDF contributions are to be classified as EU funding. By contrast, contributions from the directly managed instruments are to be presented under the public (national) tab.
 - The MA and the direct management granting authority set the deadlines for reporting and payment according to the applicable rules in order to allow for the sequential approach described above (i.e. first declaration to MA (and from the MA to the Commission) then copy to the directly managed instrument).
 - Beneficiaries must follow the rules for implementation, monitoring and control of all the instruments/funds involved. If the granting authority of the directly managed programme/fund requires a certificate on the financial statements (CFS) in the directly managed grant, the CFS auditor may also rely on audit certificates on the shared management expenditure (insofar as they cover the same costs and identical eligibility conditions).
 - Projects can receive pre-financing or advance payments in line with the applicable legal rules and the pre-agreed funding rate.



Important to know

What about EU State aid rules?

EU State aid rules apply to the part of the project financed by the ERDF. Public funding cumulation rules set out in the EU State aid rules establishing the total public funding possible for the project/activity need to be also verified and correctly applied.

In the case of cumulative funding, are the national funding body or the beneficiaries still required to contribute a part of the funding?

That depends on the funding rates set at project level for both funding sources. In the case of the ERDF, State aid rules apply and determine the maximum permissible funding rate at operational level. In order to verify compliance with the maximum permissible funding rate, all public funding at project level must be taken into account, including support received from, for example, the ERDF and HE and in any form whatsoever.



4. European Partnerships

The use of the ERDF as a national contribution to Co-funded and Institutionalised European Partnerships

'European Partnership' means an initiative in which the EU and private and/or public partners (such as industry, public bodies or foundations) commit to jointly supporting the development and implementation of a programme of R&I activities. A Strategic Research and Innovation Agenda – that all partners share and commit to – underpins every European Partnership. This long-term vision is translated into concrete activities through annual work programmes. European Partnerships must state their concrete objectives and targets, together with a set of corresponding key performance indicators.

In accordance with Article 73(4) CPR, MAs may decide to directly provide support from the ERDF to operations selected under a programme co-funded by HE (such as a Co-funded or Institutionalised European Partnership).

Article 15(3) of the HE Regulation states that financial contributions from ERDF programmes ⁽¹⁵⁾ may be considered a contribution from the participating Member State to a Co-funded or Institutionalised European Partnership, provided this complies with the CPR rules. Bodies implementing programmes co-funded by HE must be identified as intermediate bodies of the relevant ERDF programme (Article 71(5) CPR). This makes it easier to coordinate and synchronise HE, the relevant ERDF programme and national support. ERDF programmes may cover (part of) the national contribution for participation in such European Partnerships. A decision to contribute to a partnership must result from a selection process that has complied with cohesion policy rules.

Furthermore and similarly to the Seal of Excellence, MAs may provide such a contribution directly (without the need for a competitive call and a separate selection procedure) to operations that have been selected under a programme co-funded by HE in line with Article 73(4) CPR. However, as is also the case for the Seal of Excellence, MAs should still conduct a simplified assessment, checking that these projects comply with points (a), (b) and (g) of Article 73(2) CPR. Such operations have to (i) be consistent with the programme, including with the relevant strategies underlying the programme, and provide an effective contribution to the achievement of the specific objectives of the programme, (ii) fall within the scope of an enabling condition and be consistent with the corresponding strategies and planning documents established for the fulfilment of that enabling condition, and (iii) fall within the scope of the relevant fund and be attributed to a type of intervention.

MAs may similarly apply the categories, maximum amounts and methods of calculation of eligible costs established under HE to these operations.

Compliance with State aid rules can be ensured by respecting compatibility conditions of Article 25c GBER which offers possibilities to apply Horizon Europe eligible costs and funding rates to the research and development projects selected under a programme co-funded by Horizon fulfilling conditions set out in this Article.

ERDF programme contributions to European Partnerships must comply with the rules on the prohibition of the double-declaration of expenditure laid down in Article 63(9) CPR. The same costs must not be declared twice to the Commission. Two types of European Partnerships are relevant to the implementation of Article 15(3) of the HE Regulation.

⁽¹⁵⁾ This guidance document focuses on the synergies between HE and ERDF programmes, but a similar logic applies to the other programmes listed in Article 15(3).

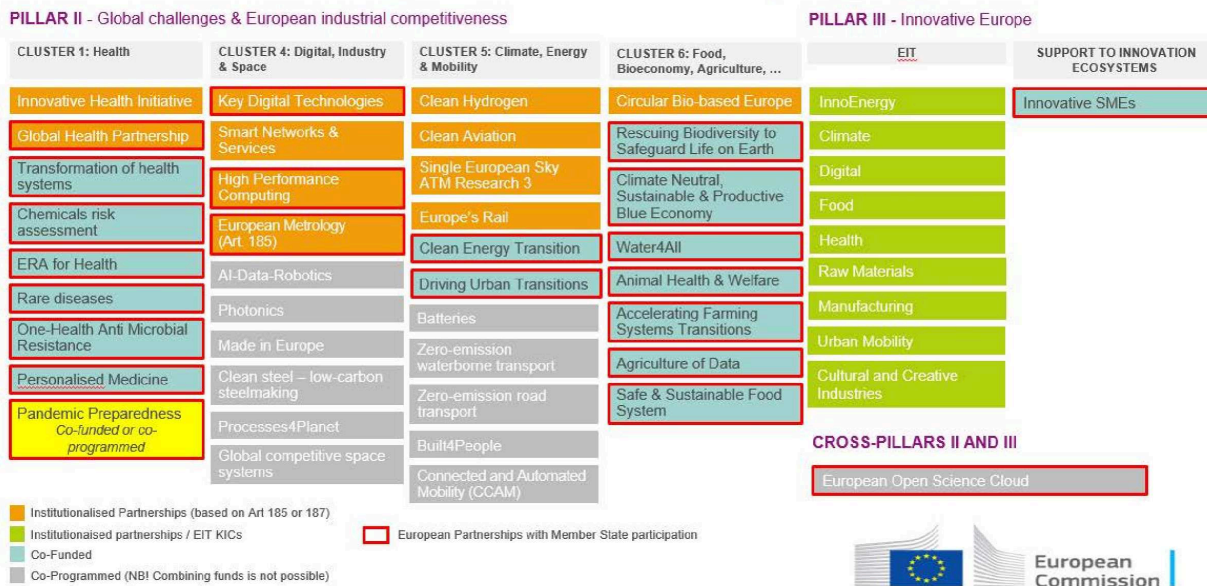
- **Co-funded European Partnerships** (supported through a ‘programme co-funded action’) are based on a grant agreement between the Commission and a consortium of partners (typically national ministries or R&I funding agencies). The partners commit for financial and in-kind contributions. These are partnerships involving EU countries with national/regional research funders and other public authorities at the core of the consortium. The EU provides co-funding for a programme implemented by entities that manage and fund R&I activities. The main activities developed by Co-funded European Partnerships include joint calls through which transnational R&I projects are funded, and in which each partner provides the budget for its entities participating in the projects and the EU provides top-up funding.
- **Institutionalised European Partnerships** are R&I programmes. They can be undertaken by (i) several Member States (on the basis of a decision by the Council and the European Parliament in accordance with Article 185 TFEU), (ii) bodies established by a decision of the Council under Article 187 TFEU (for example, joint undertakings), or (iii) European Institute of Innovation and Technology (EIT) Knowledge and Innovation Communities in compliance with the EIT Regulation and the EIT Strategic Innovation Agenda. They are expected to have a long-term perspective and to involve some integration.

Figure 1 below gives an overview of all the Co-Funded, Co-Programmed and Institutionalised European Partnerships under the first Strategic Plan 2019-2024 of HE. The 20 Co-funded and Institutionalised European Partnerships with Member State participation are relevant to the application of Article 15(3) of the HE Regulation.

Figure 1

Overview of the four clusters of European Partnerships

Portfolio of European Partnerships (49)



Good to know

Co-programmed European Partnerships are based on a memorandum of understanding signed between the Commission and partners other than the EU. **These partnerships are not eligible to use the ERDF as a national contribution because there is no option to combine funding** (only parallel or sequential funding is possible). For these types of partnerships, it is possible to use the ERDF as a national contribution to the partnerships' additional activities if these are identified in the additional activities plan. The European Open Science Cloud is currently the only Co-programmed European Partnership with Member State participation.

Relevant legislation	CPR	Articles 63(9), 71(5) and 73(4) and Recital (61)
	Horizon Europe	Article 15(3)
Related legislation	GBER	Articles 25c and 25d (State aid)

Policy considerations/potential benefits

European Partnerships are set up to deliver on EU priorities. By teaming up with both the public and private sectors, they make it possible to address global challenges that require critical mass and a long-term vision that the partners agree on and commit to. Partnerships not only launch joint calls, but also carry out a variety of additional activities to support the societal, market and regulatory uptake of R&I results.

European Partnerships are a key driver for synergies because they make it possible to pool and coordinate the use of resources available from different EU and national instruments, programmes and funds. They also help to strengthen the ERA by stimulating cross-border cooperation, aligning R&I plans, improving skills and increasing the absorption capacity of European businesses. The particular goal of a European Partnership with Member State participation is to achieve scientific, managerial, and financial integration of national research programmes in its given field. The participation of the 'Widening' Member States in EU R&I partnerships was limited in the past because of a lack of experience or available funding for transnational collaboration. European Partnerships are intended to address EU priorities, so it is important to strengthen the participation of under-represented countries, enhance complementarities across the EU and share the resulting benefits. This is particularly relevant because some HE priorities are only addressed by European Partnerships. This means that Member States must participate if their entities are to be able to take part in the calls and other activities launched by the partnerships.

Allowing contributions from ERDF programmes to be recognised as national contributions in HE partnerships provides a major incentive for transnational collaboration. It also increases the impact of R&I investments from different EU funds by aligning investment with common EU priorities.

The new rules make it easier to pool ERDF and HE funds in co-funded Horizon Partnerships, thereby creating opportunities for the regions to team up with other EU countries and regions to address related smart specialisation priorities. The main gain is the opportunity to increase the participation of less developed regions and Member States in transnational collaboration within the partnerships framework.

The co-funding provided by the EU through partnerships can therefore create particular added value when the priorities identified under HE and through S3 correspond to or complement each other.




Main steps in the process – Co-funded European Partnerships

Preparation / programming	<ul style="list-style-type: none"> — National authorities/stakeholders should enter into dialogue with their MA well in advance of the formal negotiation of the programme with the Commission. — MA and national/regional stakeholders should identify R&I priorities in programmes in compliance with S3 priorities, plan appropriate cohesion policy fund measures and open a dialogue with the Co-funded European Partnership's coordinators/contact points in order to understand the types of activities and resources that need to be planned. — For Co-funded European Partnerships, everything is agreed in the context of a grant agreement – including the EU reimbursement rate of the eligible costs and the overall budget for the whole duration of the partnership. The annual work plan, which must be approved by the Commission, describes the partnership's activities. The consortium itself decides how to allocate EU funding respecting the rules established in the document setting out the conditions of support.
----------------------------------	---

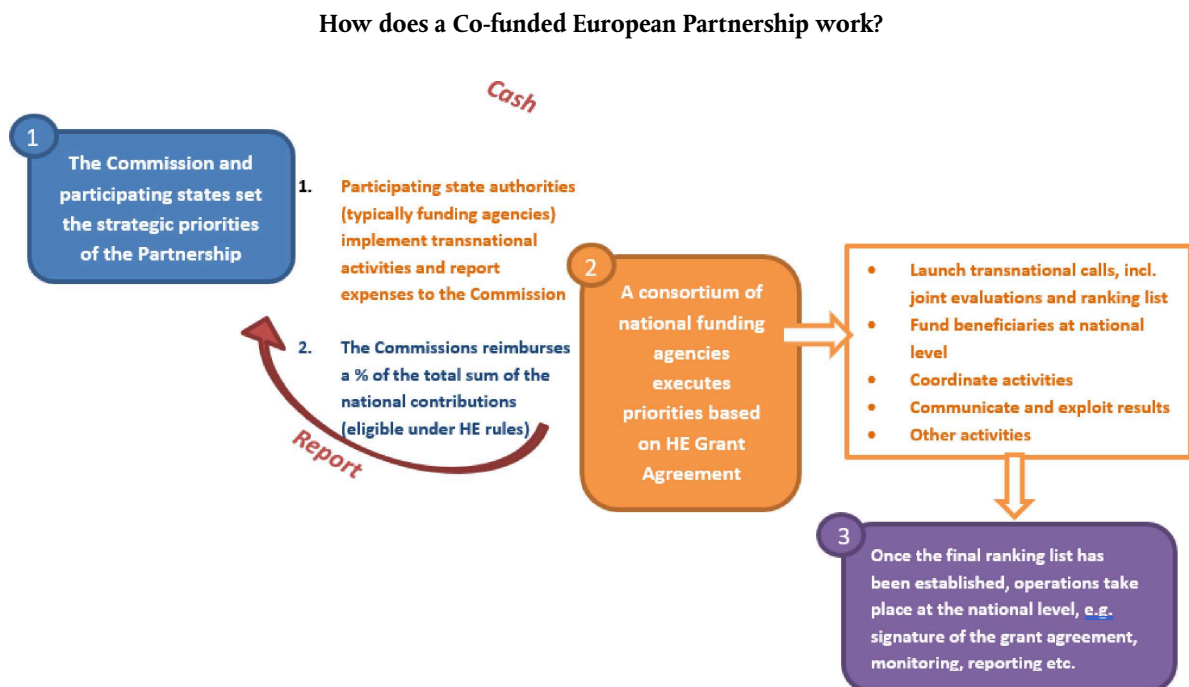
	<ul style="list-style-type: none"> — The total EU contribution is calculated as a percentage of the total eligible costs. The funding rate under HE for Co-funded European Partnerships is usually 30 % (50 % in exceptional cases). A consortium has complete discretion when deciding how to allocate the EU's contribution to the planned partnership between the beneficiaries who are party to the HE grant agreement – and this may result in higher or lower funding rates for specific activities and/or beneficiaries. If an ERDF programme provides, in line with its objectives, support from the ERDF to a programme co-funded by HE, the bodies implementing the activities resulting from the programme co-funded by HE (e.g. national funding bodies) should be designated as intermediate bodies under the relevant programmes. In line with Article 71(3) CPR, arrangements between the MA and the intermediate body(ies) shall be recorded in writing. — The contribution from an ERDF programme will be for a specific project funded at national or regional level, and the recipient of this contribution would be the beneficiary of this project (the term 'operation' is used in the cohesion policy context). — Plans to contribute to the projects selected within the European Partnerships with some national contribution should be set out with an explanation in the ERDF programme. — The contribution of an ERDF programme to a European Partnership must fall within the scope of the applicable enabling condition (i.e. S3) and must be consistent with the corresponding programme-specific objectives and scope. The contribution to a European Partnership can also be identified early on, in the relevant S3, as a measure to enhance cooperation in priority areas with partners from outside a given Member State.
Allocation of support	<ul style="list-style-type: none"> — For operations selected under a programme of activities co-funded by HE, the MA may decide to grant support from the ERDF programme directly, provided that it complies with the requirements set out in Article 73(4) CPR (relating to compliance with the programme objectives, the scope of the fund and applicable enabling conditions). MAs may also apply the categories, maximum amounts and methods of calculation of eligible costs established under HE (these are to be established in the document setting out the conditions for support). — The financial management of a Co-funded European Partnership is the same as for any other HE project (i.e. beneficiaries from the grant agreement carry out activities and report their costs to the Commission). — The reported costs must comply with HE's cost-eligibility rules and with the specific rules for the programme's co-fund actions as defined in the Model Grant Agreement (e.g. the rules for the selection of transnational projects need to be followed). Both in kind and financial contributions are possible, provided that they are eligible under cohesion policy funds and Horizon Europe. — For HE, eligible costs are reimbursed in line with the applicable funding rate (this is usually 30 % of the overall amount raised by the consortium, which can include 'financial contributions under programmes co-financed by the ERDF' in line with Article 15(3) of the HE Regulation). — The contribution from HE is transferred via the coordinator to the national funding body and used as additional funding for the programme of activities.

	<ul style="list-style-type: none"> — The consortium implementing the programme’s co-funded actions manages the EU contribution autonomously and decides (for instance, in their consortium agreement) how to allocate and distribute funds to activities and beneficiaries. Beneficiaries of the programme’s co-funded action (the national funding bodies) report their eligible costs to the MA. A copy of the declaration is shared with the HE granting authority. — The same process as for cumulative funding applies when an ERDF programme makes a contribution (see above).
--	--

 **Practical example**

- A Member State or region participates in a consortium of national funding bodies in a Co-funded European Partnership.
- The Member State or region intends to use an ERDF programme to cover part of the national contribution to the Co-funded European Partnership.
- The national funding body (i.e. the ERDF programme intermediate body) reports to HE that it is providing financial support/funding to its beneficiaries to the value of EUR 100 million. The national funding body receives a 30 % reimbursement from HE (EUR 30 million).
- The remaining EUR 70 million can be co-funded from the ERDF programme (e.g. with a 50 % co-funding rate; the co-financing rate of the programme priority must be respected – Article 112 CPR).
- The total cost of EUR 100 million would therefore be covered as follows: EUR 30 million from HE, EUR 35 million from the ERDF and EUR 35 million from the national budget.
- Expenditure and costs should be declared and reported in line with the rules for cumulative funding set out above.

Figure 2





Practical examples of a transnational joint call – beneficiary selected at national level by a national funding agency

The following examples are hypothetical. The final decision lies with the relevant Member State.

Each Member State involved in a Co-funded European Partnership typically funds its participants at national level through its own national procedures and following its own national rules.

From a Horizon Europe co-funded partnership Model Grant Agreement perspective, it will be considered a recipient of 'financial support to third party'.

From a national perspective, this national beneficiary may be one or other of the following:

1. Fully financed by a programme co-financed by the ERDF.

- The national beneficiary signs **only one** national grant agreement with the national funding agency. This sets out the terms and conditions under which the national funding agency will disburse the ERDF's money.
- The national funding agency is considered an intermediate body (from a CPR perspective) and reports its costs (i.e. the ERDF funding it has provided to the national beneficiary) to both the HE granting authority^[1] and its competent MA. These then both report back to the Commission.

2. Co-financed by the ERDF and other national source(s) handled by the same national funding agency.

- The national beneficiary signs **one** national grant agreement setting out the terms and conditions under which the national funding agency will disburse the ERDF's money. The national beneficiary then signs **another** national grant agreement setting out the terms and conditions under which the national funding agency will disburse the other amount of nationally sourced money.
- The national funding agency is considered an intermediate body (from a CPR perspective) and reports both:
 - the cost of providing the ERDF funding to the national beneficiary (it reports this to the competent MA);
 - the aggregated cost^[2] of providing both the ERDF funding and the other national funding that the national funding agency provided to the national beneficiary (it reports this to the HE granting authority^[3]).

For both the above cases, the national funding agency has to follow the procedure for cumulative funding (see section 3 above on cumulative funding), and upload onto eGrants a copy of a declaration from beneficiary to the MA (together with a copy of the MA information to beneficiary confirming that the expenditure was included in a payment application to the Commission) as a supporting document to the payment application introduced.

^[1] Under the cost category 'financial support to third party' in the HE Co-funded European Partnership Model Grant Agreement.

^[2] Under the cost category 'financial support to third party' in the HE Co-funded European Partnership Model Grant Agreement.

^[3] Under the cost category 'financial support to third party' in the HE Co-funded European Partnership Model Grant Agreement.



Important to know

How are contributions and commitments made from HE?

Commitments and contributions for Co-funded European Partnerships are made in five stages:

1. indicative up-front commitment
2. overall commitment when signing the grant agreement
3. yearly commitment when defining the annual work programme (e.g. defining budget contribution to the call)
4. final commitment when agreeing to the ranking/selection list and signing grant agreements
5. contribution (i.e. payment of funding).

If the partnership becomes the intermediate body in the ERDF programme in line with Article 71(5) CPR, the written arrangement (the partnership) between the MA and this intermediate body must clearly state each party's responsibilities regarding the execution of the tasks that the MA has delegated to this intermediate body.



Main steps in the process – Institutionalised European Partnerships (Article 185 and 187 TFEU)

Preparation / programming	<ul style="list-style-type: none"> — Contributions and activities are defined in a decision of the European Parliament and Council (Article 185 TFEU) or in a Council regulation (Article 187 TFEU). The EU's contribution must be at a minimum matched by the contribution of the non-EU partner. — Where an ERDF programme provides, in line with its objectives, support to a partnership that is also co-funded by HE, the MA of the relevant programme designates the joint undertaking (Article 187 TFEU) or decentralised implementing structure (Article 185 TFEU) ⁽¹⁶⁾ as an intermediate body in line with Article 71(5) CPR. Article 71(3) CPR requires arrangements between the MA and intermediate body(ies) to be recorded in writing. — The contribution from an ERDF programme is made to a specific project. The recipient of such an ERDF contribution is the beneficiary of the project (the project is known as an operation in the context of cohesion policy). — A contribution to an Institutionalised European Partnership should be set out with a justification in the section on synergies and complementarities of the programme. — A contribution to an Institutionalised European Partnership must meet the criteria of the applicable enabling condition (i.e. S3) and be consistent with the corresponding programme objective and scope, in line with Article 73(4) CPR. The contribution to an Institutionalised European Partnership can also be identified early on, in the relevant S3, as a measure to enhance cooperation in priority areas with partners outside a given Member State. A written arrangement between an MA and intermediate body (the partnership) should clearly set out the responsibilities for carrying out these tasks.
----------------------------------	--

⁽¹⁶⁾ In HE there is only one Article 185 TFEU initiative: the European Metrology Partnership run by EURAMET.

Allocation of support	<ul style="list-style-type: none"> — The MA may decide to grant support from the ERDF programme directly, provided this complies with the requirements set out in Article 73(4) CPR. MAs may also apply the categories, maximum amounts and methods of calculation of eligible costs established under HE (to be established in the document setting up the conditions for support). — The funding that participating states provide to their national entities in joint undertaking projects is counted as a financial contribution to the joint undertaking. In line with the relevant rules on the management of contributions from the participating states ⁽¹⁷⁾, the participating states must report to the governing board by 31 January every year on the indicative financial contributions to be made in that financial year. When doing so, participating states should specify what proportion of these contributions comes from cohesion policy funds. — In the case of central management of financial contributions (where the beneficiary signs one single grant agreement with the joint undertaking which implements the EU and national contributions), the ERDF programme resources are paid to the implementation structure after proposals have been selected and national/regional contributions have been identified. HE rules apply exclusively in this case – at both the call evaluation and selection, and at the payment, stages. — In the case of the coordination of payments, the national authority does not transfer funds to the implementation structure, but reimburses the beneficiaries directly on the basis of a national grant agreement. National or ERDF funding rules apply to the entire national contribution. However, the call, evaluation and selection are subject to HE rules exclusively. <p>Regardless of the type of implementation of the contribution, within the same call there can be actions funded from ERDF funds together with HE or Digital Europe Programme funds.</p>
------------------------------	---



Main steps in the process – applicable for both Co-funded and Institutionalised European Partnerships (Article 185 or 187 TFEU)

Preparation/ programming	<ul style="list-style-type: none"> — New European Partnerships are identified as part of the strategic planning of HE and the related strategic coordinating process. The Member States are fully involved in line with Article 6(5) of the Specific Programme of Horizon Europe.
Implementation, monitoring & control	<ul style="list-style-type: none"> — Partnerships need to establish a monitoring system in line with the requirements set out in Article 45, Annex III and Annex V to the HE Regulation. This should feed into the same database as the other HE components. The aggregated data related to proposals and projects funded under the European Partnerships will thus become available through eCORDA and the Horizon Dashboard. In addition to the HE key impact pathways, a set of common indicators has been developed for European Partnerships in order to monitor their performance against the criteria set out in the legal basis, such as additionality, openness and synergies. Monitoring should allow for an assessment over time of achievements and progress towards impacts, and the identification of potential needs for corrective measures. The results of this monitoring will feed into the biennial monitoring of all European Partnerships and HE evaluation cycles. — In line with Article 72(1) CPR, the MA collects data on operations, including the supporting projects selected by the partnerships.

⁽¹⁷⁾ Article 12 of Council Regulation 2021/2085 establishing the joint undertakings under Horizon Europe.

**Important to know**

How much of the national contributions can the ERDF programme cover?

The contribution from an ERDF programme can cover the national contributions in line with the rules on co-financing and with the maximum amount of support from the funds for each priority set in Article 112 CPR and Article 190 FR, provided that the requirements of Article 63(9) of the CPR are met.

Article 25c of the GBER provides State aid compatibility conditions to apply HE-eligible costs and funding rates to research and development projects supported through a European Partnership.

Can an ERDF programme cover all of the national contributions to the project – given that we programme national co-financing according to priority rather than project?

Yes. The contribution comes from the relevant programme, which is itself subject to co-financing rules. However, since the co-financing is set at priority level and not at operational level, the EU's budget can cover all of the national contributions to a specific operation.

Is it possible to use ERDF programmes not for financing projects but rather for an 'in-kind' contribution?

ERDF programmes can be used to cover the national contributions of Member States participating in European Partnerships. It does not matter whether such contributions are financial or in kind. There are no in-kind contributions from the participating Member States for Institutionalised European Partnerships.

How can the MA for an ERDF programme ensure that a co-funded operation contributes to the indicators set out in the programme?

Projects selected by European Partnerships can be supported if they meet the requirements set out in points (a), (b) and (g) of paragraph 2 of Article 73 CPR. They must therefore contribute to the achievement of programme indicators.

Is it possible to use the funds for other purposes if they are not spent on the financing of partnership projects?

These contributions would go to identified projects after they have been evaluated and selected by the governing board of the European Partnership. It would therefore not be possible to return them.

What about EU State aid rules?

State aid rules apply if the beneficiary of public funding granted from Member State resources, including the ERDF, is an undertaking (and if all other cumulative conditions for the presence of State aid, spelled of Article 107 (1) TFEU are met). Under the conditions specified in Article 25c of the GBER, co-funded research and development projects may benefit from HE eligible costs and funding rates. This also applies to calls launched by Partnerships based on Article 185 or Article 187 TFEU or in calls launched under programme co-fund actions. Projects must be transnational projects (implemented by at least three Member States, or alternatively two Member States and at least one associated country), and must result from centrally organized calls for proposals to which HE funding rules apply (Art 25c (3) GBER on the categories, maximum amounts and methods of calculation of eligible costs). If all applicable conditions set out in the GBER are met, the authority granting the aid does not have to carry out a separate State aid assessment nor does it have to notify the aid to the Commission. Where funding is subject to State aid rules and is not in line with all conditions set forth in Article 25c of the GBER, simplified treatment of these projects under State aid rules does not apply.

What is the veto right in Institutionalised European Partnerships?

In line with Article 10(1)(c) of the HE Regulation, contributions from one participating Member State must be used to finance the participation of entities established in that participating Member State. The participating Member States therefore remain in control of their national contributions because they can veto the allocation of national funds to a specific beneficiary (on exceptional grounds and for duly justified reasons) without any impact on the proposal's eligibility for EU funding.

Can ERDF programmes support membership of/participation fees for other EU bodies or networks (e.g. EIT partnerships)?

An operation co-financed by the ERDF must fall within the scope of the ERDF Regulation. Article 5(1)(f) of the ERDF Regulation allows the ERDF to support networking, cooperation and the exchange of experience and activities involving innovation clusters (including those that bring businesses, research organisations and public authorities together). Such cooperation can be promoted through an international organisation.

Pursuant to Article 63(4) CPR, all or part of an operation may be implemented outside a Member State, including outside the EU, provided that the operation contributes to the programme's objectives.

Membership fees of international organisations do not therefore meet the above-mentioned conditions and are not eligible for ERDF support because the objectives pursued by international organisations are generally too broad to correspond to a specific operation that pursues the funding programme's objectives.

By contrast, participation fees usually correspond to more specific and concrete activities and may therefore be eligible for ERDF support – if they correspond to a concrete action carried out by an international organisation that falls within the scope of the ERDF Regulation and contributes to the funding programme objective(s).

5. Combined funding (Teaming)

It is important to optimise and maximise the benefits that R&I can provide to society, the environment and the wider economy, together with its contribution to the achievement of EU goals. EU funding must therefore be coherent and exploit potential synergies. This is particularly the case for a Teaming action that supports the creation or modernisation of a centre of excellence in a widening country by teaming it up with a leading research institution (advanced partner) in a different country. This requires complementary funding from a national, regional, EU or private source. Such an action is therefore designated as a 'synergy' action in the HE work programme. Teaming actions are expected to become an influential and meaningful bridge particularly between S3 and excellence in R&I, thereby strengthening the ERA.

Related legislation	GBER Article 25d (State aid)
---------------------	------------------------------



Main steps in the process

Preparation / programming	The HE work programme designates Teaming actions as 'synergy' actions. Cohesion policy programmes may provide complementary funding to a Teaming project for a set of eligible costs that are separate from the costs covered by HE, provided the requirements of Article 73(4) CPR are met.
Allocation of support	Two separate calls are opened (the ERDF and HE). The HE proposal must include a clear description of the complementary project supported by the ERDF or other funding sources. If relevant, the description should include the cost categories, technical infrastructure specifications, preliminary planning for building and installations, cost-benefit analysis, etc. This description will also be subject to the evaluation undertaken by independent experts according to HE rules and selection criteria.

Implementation	The ERDF programme supports R&D projects that complement HE, albeit with a different set of eligible costs. Amended GBER Article 25d establishes compatibility conditions to grant State aid (including from ERDF resources) to co-funded R&D projects that complement Teaming actions (HE-eligible costs and funding rates apply in such cases). Moreover, amended Article 25d GBER allows public investment aid to cover as much as 70 % of the infrastructure investment made under a Teaming action (also subject to certain conditions). The project proposal undergoes a single evaluation that covers both of the project's parts (i.e. the HE part and the part relating to a chosen complementary funding source such as a cohesion policy programme). This is required in order to be able to apply amended Article 25d GBER, permitting the managers of the complementary funding source to apply the categories, maximum amounts and methods of calculation of eligible costs established under HE to the operation in question.
-----------------------	--

6. Upstream and downstream synergies

Upstream/downstream synergies emerge when EU support provides (primarily through HE and ERDF programmes) a coordinated and seamless framework for all steps of the R&I innovation process (from capacity-building and basic research to commercialisation and uptake of innovative solutions by private enterprises). Such synergies provide particular added value when they emerge in areas that are linked to key EU policy goals and offer the prospect of making substantial improvements to the wider economy.

The development of such synergies requires close cooperation between the relevant actors – particularly the EU and national authorities involved in the programming and implementation of HE and ERDF support.

For example, HE missions ⁽¹⁸⁾ provide fresh ways to address the challenges identified in their missions, and transformative solutions that can help accelerate the uptake of the best available technologies. Practical examples of possibly synergies of the five EU missions with ERDF are outlined in the Annex to this note.

To boost this uptake, the new Horizon Dissemination & Exploitation strategy will promote an integrated approach by creating and maintaining mission result portfolios, and by combining them with an integrated ecosystem of services (e.g. the Horizon Results Platform and Horizon Results Booster) and initiatives (e.g. events and workshops). This will bring clear sets of R&I results to the attention of national and regional investors and policymakers. The new Horizon Dissemination & Exploitation strategy also emphasises HE work programme topics, so that call applicants will consider whether they can harness potential synergies with other EU programmes.

The lessons learned from the fourth Interreg Central Europe call for the exploitation of the results of existing projects under Horizon 2020 (and other EU programmes) will be taken into account when deciding how to exploit HE's R&I results using the Interreg programmes (as an additional way of increasing regions' access to high-quality R&I results). Future efforts in this direction will benefit from the knowledge and experience gained from matchmaking initiatives (for example, the new Horizon-Interreg synergies-mapping tool that combines thematic and regional information in order to identify potential synergies between these two funding streams).

These approaches and solutions can also help public administrations to develop new capabilities and provide new services. This is particularly important for less developed and peripheral regions, which are less able to absorb new technologies and manage systemic transformation.

⁽¹⁸⁾ For more detail on EU Missions in Horizon Europe: https://ec.europa.eu/info/research-and-innovation/funding/funding-opportunities/funding-programmes-and-open-calls/horizon-europe/eu-missions-horizon-europe_en#what

Many of these regions can therefore scale up demonstrators, innovation and technology transfer measures using cohesion policy resources to help achieve programme objectives. Regions that have identified priorities in the strategies related to a particular mission area may develop synergies with that mission ⁽¹⁹⁾ to support the development and/or downstream deployment of new approaches to developing transformative pathways. For example, HE missions can provide directionality; boost regional development; promote cross-disciplinary and multi-level governance; engage the general public and local/regional stakeholders; and publicise cohesion policy investment and access to new networks, policy learning platforms and funding instruments.

Regions play an important role to roll-out the hydrogen economy, in particular through Hydrogen Valleys ⁽²⁰⁾. They ensure hydrogen production, transportation, storage and use at regional or local level, and are key to meet the REPowerEU objectives ⁽²¹⁾. The Clean Hydrogen Joint Undertaking has longstanding experience in supporting the establishment of Hydrogen Valleys in the EU. Further roll-out of this successful concept across all Member States will require substantial pooling of resources.

For example, renewable hydrogen will be key to replace natural gas, coal and oil in hard-to-decarbonise industries and transport. REPowerEU sets a target of 10 million tonnes of domestic renewable hydrogen production and 10 million tonnes of renewable hydrogen imports by 2030. The regions play an important role to roll-out the hydrogen economy in the EU, in particular through Hydrogen Valleys. Hydrogen Valleys ensure hydrogen production, transportation, storage and use at regional or local level and are key to meet the REPowerEU objectives. The Clean Hydrogen Joint Undertaking, and its predecessors, have longstanding experience supporting the establishment of Hydrogen Valleys in the EU. Currently, there are 23 Hydrogen Valleys in the EU in ten Member States. Further roll-out of this successful concept across all Member States will require substantial pooling of resources.



⁽¹⁹⁾ EU Missions are a novelty of the Horizon Europe research and innovation programme for the years 2021-2027. EU Missions are a coordinated effort by the Commission to pool the necessary resources in terms of funding programmes, policies and regulations, as well as other activities. They also aim to mobilise and activate public and private actors, such as EU Member States, regional and local authorities, research institutes, farmers and land managers, entrepreneurs and investors to create real and lasting impact. Missions will engage with the general public to boost societal uptake of new solutions and approaches. There are five EU Missions (Adaptation to Climate Change; Cancer; Restore our Oceans and Waters by 2030; 100 Climate-Neutral and Smart Cities by 2030; A Soil Deal for Europe).

⁽²⁰⁾ Hydrogen Valleys Smart Specialisation partnership and hydrogen pilot (Hydrogen valleys – Smart Specialisation Platform (europa.eu))

⁽²¹⁾ REPowerEU (COM(2022) 230 final) sets a target of 10 million tonnes of domestic renewable hydrogen production and 10 million tonnes of renewable hydrogen imports by 2030.

Example: Synergies in the context of the new European Innovation Agenda

Synergies can support implementing the new European Innovation agenda and in particular flagship 3, which aims to strengthen and to interconnect regional innovation ecosystems and to reduce the innovation divide.

ANNEX 1

Synergies with EU Missions***EU Mission Adaptation to Climate Change***

The Adaptation to Climate Change mission is intended to support at least 150 European regions, local authorities and communities in their efforts to achieve climate resilience by 2030. It will provide general support for regions, local authorities and communities to help them better understand, prepare for and manage climate risks and opportunities, to accelerate their transformation toward climate resilience, and to deliver at least 75 large-scale climate adaptation demonstrations on the ground.

The participation of Member States, regions and local authorities will play a crucial role in implementing this mission because they are key agents of change. They can also deploy new technologies, experiment with innovative solutions that address local needs, and help different stakeholders achieve climate resilience.

The mission's objectives are consistent with ERDF policy objectives ⁽¹⁾ of a more competitive and smarter Europe by promoting innovative and smart economic transformation and regional ICT connectivity. It also contributes to the policy objective of a greener, low-carbon transitioning towards a net zero carbon economy and resilient Europe by promoting clean and fair energy transition, green and blue investment, the circular economy, climate change mitigation and adaptation, risk prevention and management, and sustainable urban mobility.

Funding under these priorities could for instance be mobilised to scale up climate adaptation solutions, using synergies with the funding mobilised by Horizon Europe. Regions and local authorities can also sign the Mission Charter, to express their willingness to cooperate and coordinate with other signatories so that they can mobilise resources and develop activities in their respective territories with a view to achieving their climate adaptation goals.

The Mission Implementation Platform will support regions and local authorities, for example by providing them with access to knowledge and technical assistance. Funding will be available through the Horizon Europe work programmes for climate adaptation R&I projects which could be executed by exploiting potential synergies with the ERDF.

EU Mission Cancer

The Cancer mission, together Europe's Beating Cancer Plan, intends to improve the lives of more than 3 million people by 2030, through prevention, cure and, for those affected by cancer including their families, to live longer and better. This overall goal is in line with the ERDF policy objective of a more social and inclusive Europe.

The creation of digital infrastructures is foreseen to support research and innovation (R&I) on cancer control. The UNCAN.eu platform will collect data of different types and from different sources. A virtual European Cancer Patient Digital Centre will enable cancer patients and survivors to deposit their health data and receive information. Comprehensive Cancer Infrastructures will be supported in order to address inequalities in access to high quality cancer care e.g. by reinforcing research capacities and creating a network across Member States and regions.

The participation of Member States, regions and local authorities is crucial in implementing the envisaged actions as they are primarily responsible for the organisation of their health systems. For example, improving the access to early screening or innovative cancer treatments will require major investments into infrastructure, equipment, digitalisation, health workforce and new care models, including telemedicine solutions to reach patients in rural and remote areas.

The ERDF plays a significant role for improving cancer control. Many regions have smart specialisation strategies in the area of health, including on cancer. Existing projects have a huge potential for contributing to the mission's objectives. Regions will be encouraged to align with EU priorities and make further investments into R&I through orienting smart specialisation priorities towards cancer innovation. Equally, Interreg can support cancer patients seeking healthcare in another country by strengthening cross-border, transnational and interregional cooperation.

⁽¹⁾ Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund, Article 3.

Regions will be involved in the implementation through the future national cancer hubs in each Member State. These will facilitate: (1) integration of the mission's activities by identifying synergies in cancer related policy initiatives and investments between EU, national, regional and local level; (2) engagement of relevant national actors and stakeholders going beyond the R&I and health systems to cover relevant areas in cancer control (such as employment, education,); (3) policy dialogues on cancer; and (4) citizen engagement activities.

EU Mission Restore our Ocean and Waters

The mission's strategic objective is to restore the health of our ocean and waters by 2030 by protecting and restoring marine and freshwater ecosystems and biodiversity, preventing and eliminating pollution of our ocean, seas and waters and fostering carbon-neutrality and circularity of the EU's blue economy.

There is a special focus on regional engagement through area-based 'lighthouses'. These are conceived as research and innovation project portfolios for the development and deployment of transformative solutions in four major European basins: Atlantic and Arctic basin; Baltic and North Sea basin; Mediterranean Sea basin; Danube River and Black Sea basin.

The mission will be implemented in two phases: developing and piloting of solutions (2021-2024) and deployment and upscaling (as of 2025) of these activities. While the Commission has earmarked almost EUR 350 million from Horizon Europe for the period 2021-2023 to support the first phase, the mobilisation of additional commitments and budgets from public and private actors, including through the ERDF will be crucial for achieving the mission objectives.

The concept of 'associated regions' is embedded in all relevant activities of the Mission Work Programme. 'Associated regions' are areas with ecosystems that can benefit from the demonstration activities (e.g. neighbouring regions and/or regions in a different sea basin) and/or less-developed regions, with the need to build capacity to implement the innovative solutions developed under the different projects. These regions will benefit from financial support to showcase the feasibility, replicability and upscale of innovative solutions. ERDF could bring forward the implementation of innovative solutions at regional level. A Mission Charter will collect pledges/actions and bring together all interested parties, from Member States and Associated Countries to regions and local authorities, private entities, NGOs and citizens.

EU Mission Climate-Neutral and Smart Cities

The mission aims to deliver at least 100 European climate-neutral and smart cities by 2030 and to ensure that these cities act as experimentation and innovation hubs to put all European cities in a position to become climate-neutral by 2050.

With its city-driven approach and focus on place-based solutions, it contributes to the EU ERDF policy objective of a greener, low-carbon transitioning towards a net zero carbon economy and resilient Europe by promoting clean and fair energy transition, green and blue investment, the circular economy, climate change mitigation and adaptation, risk prevention and management, and sustainable urban mobility. It also contributes to the policy objective of a Europe closer to citizens by fostering the sustainable and integrated development of all types of territories and local initiatives, supporting tailor-made investment strategies at territorial level, in cities and local communities, to address their diverse challenges, and tapping into their development potential.

Through a Call for Expression of Interest, the mission invited cities to register their intention to become climate-neutral by 2030. The expressions of interest were evaluated based on the cities' ambition, their levels of preparedness, their ongoing and planned commitment to climate neutrality and reducing pollution, and their commitment to involving citizens and relevant stakeholders in the city climate plan. The selected cities are invited to set-up a Climate City Contract (CCC) with support of a Mission Platform. The CCC, not being a legally binding instrument will be developed through an innovative process of co-creation involving the cities, national/regional authorities, relevant stakeholders and the Commission. It aligns with the regional smart specialisation strategy, put cities in the driver's seat, based on their actual needs. It will be a cross-sector, demand-based and bottom-up approach, with specific commitments to deploy and scale-up innovative and smart solutions in relation to climate neutrality across all relevant sectors. The CCC includes an agreed baseline; how the city plans to implement these commitments by 2030; and an investment plan with relevant funding and financing sources.

The Mission Platform will assist in particular those cities that are committing to climate neutrality by 2030, ensure overall coherence and coordination throughout the process and report regularly on the progress towards the CCC.

With signature of the CCC, cities receive a 'Mission label' acknowledging the rigorous evaluation process and the quality and feasibility of their commitments. It will unlock targeted funding opportunities in EU funding programmes and offers an opportunity for regions, Member States and other public actors to support highly visible activities on climate neutrality in pioneering cities to help carry forward efforts to meet European Green Deal targets. Since activities under the CCC will have been already vetted as environmentally sustainable in line with the EU framework to facilitate sustainable investment, the label will boost investor awareness and confidence. This will make it easier for the cities to attract financing for their climate-related activities from additional public and private investors.

EU Mission Soil Deal for Europe

The mission will pioneer, showcase and accelerate the transition to healthy soils through ambitious actions in 100 living labs and lighthouses within territorial settings. This will be combined with an ambitious transdisciplinary R&I programme, a robust, harmonised soil monitoring framework and increased soil literacy and communication to engage with citizens.

The mission objectives are fully in line the ERDF policy objectives of a greener, low-carbon transitioning towards a net zero carbon economy and resilient Europe by promoting clean and fair energy transition, green and blue investment, the circular economy, climate change mitigation and adaptation, risk prevention and management, and sustainable urban mobility.

The ERDF can play a significant role regarding soil health. Three-quarters of NUTS 2 regions have smart specialisation strategies in agri-food, which means that there is a sizeable potential for projects contributing to mission's objectives from the research and innovation angle. The mission will make use of the thematic smart specialisation platform on agri-food to capitalise on cross-regional cooperation and favour the emergence of common innovation investment projects in areas relevant to the mission.

The thematic priority 'Greener, carbon-free Europe' will allow to scale up mission results. Regions which have identified in their smart specialisation strategies priorities related to sustainable soil and land management may capitalize on solutions developed and tested in the Mission's Living Labs and Lighthouses and deploy downstream at a larger scale.

Interreg can also contribute very effectively to the implementation of the mission by establishing cooperation on the Mission's objectives across borders (cross-border, transnational and interregional cooperation). Examples include: pilots or demonstrations of restoration of wetlands in cross-border or in north European transnational areas or cooperation on water erosion in Southern European transnational areas and cross-border river basins (e.g. Danube) or cooperation on spatial planning approaches which take due account of land/soil management.

ANNEX 2

Example on cumulative funding for other directly managed instruments (Digital Europe Programme)***Synergy funding related to European Digital Innovation Hubs in Digital Europe Programme***

EDIHs are a joint investment of the EU and the MS and the associated countries of Digital Europe Programme. This is reflected in the two-stage selection process described in the Digital Europe Programme (Regulation (EU) 2021/694 of the European Parliament and of the Council). First, Member States select and shortlist candidate entities. From this list, in a second stage, the Commission selects those entities that will make up the network of EDIHs. The selection is based on criteria of relevance, implementation and impact, but also taking into account geographical, sectorial and technological coverage objectives, and the available budget per country. Digital Europe Programme co-finances selected grants with a maximum of 50 % and Member States may co-finance the remaining part through ERDF. (They may also use other national public or private funding).

This practical example explains the main steps necessary for synergy funding of an EDIH using Digital Europe Programme and ERDF. The estimates of the Commission are that about 70 'linked actions' implementing the EDIHs will use this. Since each EDIH will have a regional basis, it is known which managing authority will be responsible from the shared management side.

Step 1 – preparation. The responsible authorizing officer (RAO) will coordinate and cooperate with the managing authority responsible for the action under the shared management fund, in particular to ensure the coordination of funding rates so that the combined funding does not go beyond 100 % of estimated eligible costs.

— DG CONNECT has organised a meeting with MS involved in these linked actions and their Managing Authorities to fully explain the process.

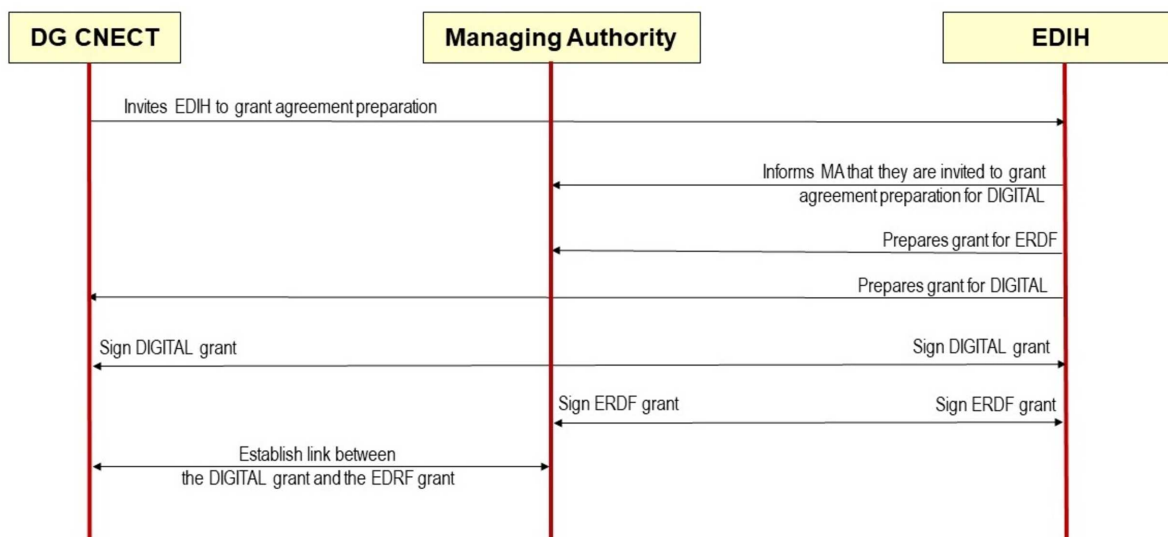
Step 2 – linking the two actions. The direct management action will be designated a 'synergy action', either during grant preparation (GAP) or after the grant signature, via a grant amendment. The shared management action will be linked to the direct management action (via, for example, the MS-MA-Call number-Project number).

— This is foreseen in the Grant Preparation process and was also announced in the Call document.

Step 3 – grant signature and pre-financing. The beneficiary will sign two separate grant agreements⁽¹⁾: the direct management grant and the shared management grant. The granting authorities will ensure that the combined funding rates do not go beyond 100 % of eligible costs. The eligibility period, project duration, reporting periods and deadlines for approvals of the two grants should also be coordinated by the granting authorities to the largest extent possible.

— Pre-financing payments under the directly managed grant agreement will proceed as normal. Advance payments will be done under the shared management grant, where provided for by the applicable national rules.

⁽¹⁾ Called 'document setting out the conditions for support' for shared management, i.e. Article 73(3) CPR.



Representation of the grant signature activities

Step 4 – reporting and payments. Before requesting any payments from the Commission/Agency for the direct management grant, the beneficiary must firstly declare the expenditure to the managing authority under the shared management grant. The MA will inform the beneficiary of when the expenditure is declared to the Commission under shared management. Under no circumstances should costs be *first included in a payment application under the directly managed grant* as this would render them ineligible for the other fund.

- Only after the expenditure is declared to the Commission by the MA, the beneficiary/coordinator will also then upload in eGrants a copy of the declaration submitted to the MA and at the same time enter all information on the implementation of the action as required by the rules of the directly managed programme.
- If the RAO requires a certificate on the financial statements (CFS) in the directly managed grant, the auditor may also rely on audit certificates on the shared management expenditure, in so far as it covers the same costs and identical eligibility conditions.
- Both granting authorities will proceed to check the costs according to their applicable rules, in the same way as for non-synergy actions and, if the costs are accepted, will arrange for payment in the normal way.

ANNEX 3

Text of relevant legal provisions (CPR; Horizon Europe; GBER)

SEAL OF EXCELLENCE

CPR

Recital 61

'(61) The synergies between the Funds and directly managed instruments should be optimised. The provision of support for operations that have already received a Seal of Excellence or were co-funded by Horizon Europe with a contribution from the Funds should be facilitated. Conditions already assessed at Union level, prior to the attributing of the Seal of Excellence quality label or the co-funding by Horizon Europe, should not be assessed again, as long as the operations comply with a limited set of requirements established in this Regulation. This should also facilitate following the appropriate rules set out in Commission Regulation (EU) No 651/2014 ⁽¹⁾.'

Article 2(45)

'Article 2

Definitions

For the purpose of this Regulation, the following definitions apply:

[...]

(45) "Seal of Excellence" means the quality label attributed by the Commission in respect of a proposal, which shows that the proposal which has been assessed in a call for proposals under a Union instrument is deemed to comply with the minimum quality requirements of that Union instrument, but could not be funded due to lack of budget available for that call for proposals, and might receive support from other Union or national sources of funding.'

Article 73(2) (4)

'Article 73

Selection of operations by the managing authority

[...]

2. In selecting operations, the managing authority shall:

- (a) ensure that selected operations comply with the programme, including their consistency with the relevant strategies underlying the programme, as well as provide an effective contribution to the achievement of the specific objectives of the programme;
- (b) ensure that selected operations which fall within the scope of an enabling condition are consistent with the corresponding strategies and planning documents established for the fulfilment of that enabling condition;

[...]

(g) ensure that selected operations fall within the scope of the Fund concerned and are attributed to a type of intervention; [...]

⁽¹⁾ Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1).

As regards point (b) of this paragraph, in the case of policy objective one, as set out in point (a) of Article 3(1) of the ERDF and CF Regulation, only operations corresponding to the specific objectives referred to in subpoints (i) and (iv) of that point shall be consistent with the corresponding smart specialisation strategies. [...]

3. The managing authority shall ensure that the beneficiary is provided with a document setting out all the conditions for support for each operation including the specific requirements concerning the products or services to be delivered, the financing plan, the time limit for its execution and where applicable, the method to be applied for determining the costs of the operation and the conditions for payment of the support.

4. For operations attributed a Seal of Excellence, or operations selected under a programme co-funded by Horizon Europe, the managing authority may decide to grant support from the ERDF or the ESF+ directly, provided that such operations meet the requirements set out in points (a), (b) and (g) of paragraph 2.

In addition, managing authorities may apply to the operations referred to in the first subparagraph the categories, maximum amounts and methods of calculation of eligible costs established under the relevant Union instrument. These elements shall be set out in the document referred in paragraph 3.'

Horizon Europe

'Article 2

Definitions

(23) "Seal of Excellence" means a quality label which shows that a proposal submitted to a call for proposals exceeded all of the evaluation thresholds set out in the work programme, but could not be funded due to lack of budget available for that call for proposals in the work programme and might receive support from other Union or national sources of funding;'

'Article 15

Alternative, combined and cumulative funding and transfers of resources

1. The Programme shall be implemented in synergy with other Union programmes, in accordance with the principle set out in Article 7(7).

2. The Seal of Excellence shall be awarded for calls for proposals specified in the work programme. In accordance with the relevant provision of the Common Provisions Regulation for 2021-2027 and the relevant provision of the 'CAP Strategic Plan Regulation', the ERDF, the ESF+ or the EAFRD may support:

(a) co-funded actions selected under the Programme; and

(b) actions which were awarded a Seal of Excellence provided that they comply with all of the following conditions:

(i) they have been assessed in a call for proposals under the Programme;

(ii) they comply with the minimum quality requirements of that call for proposals; and

(iii) they have not been financed under that call for proposals only due to budgetary constraints.

3. Financial contributions under programmes co-financed by the ERDF, the ESF+, the EMFAF and the EAFRD may be considered to be a contribution of the participating Member State to European partnerships under points (b) and (c) of Article 10(1) of this Regulation, provided that the relevant provisions of the Common Provisions Regulation for 2021-2027 and the fund-specific regulations are complied with.

4. An action that has received a contribution from another Union programme may also receive a contribution under the Programme, provided that the contributions do not cover the same costs. The rules of the relevant Union programme shall apply to the corresponding contribution to the action. The cumulative financing shall not exceed the total eligible costs of the action. The support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.

5. Resources allocated to Member States under shared management may, at the request of the Member State concerned, be transferred to the Programme subject to the conditions set out in the relevant provisions of the Common Provisions Regulation for 2021-2027. The Commission shall implement those resources directly in accordance with point (a) of the first subparagraph of Article 62(1) of the Financial Regulation or indirectly in accordance with point (c) of that subparagraph. Those resources shall be used for the benefit of the Member State concerned.

6. Where the Commission has not entered into a legal commitment under direct or indirect management for resources transferred in accordance with paragraph 5, the corresponding uncommitted resources may be transferred back to one or more respective source programmes, at the request of the Member State, in accordance with the conditions set out in the relevant provisions of the Common Provisions Regulation for 2021-2027.'

'Article 24

Calls for proposals

4. The work programme shall specify calls for proposals for which Seals of Excellence may be awarded. With prior authorisation from the applicant, information concerning the application and the evaluation may be shared with interested financing authorities, subject to the conclusion of confidentiality agreements.'

'Article 48

The Accelerator

1. The Accelerator shall aim to support essentially market-creating innovation. It shall support only single beneficiaries and shall mainly provide blended finance. Under certain conditions, it may also provide grant-only and equity-only supports.

The Accelerator shall provide the following types of support:

- (a) blended finance support to SMEs, including start-ups, and, in exceptional cases, small middle-capitalisation businesses (mid-caps), carrying out breakthrough and disruptive non-bankable innovation;
- (b) a grant-only support to SMEs, including start-ups, carrying out any type of innovation ranging from incremental to breakthrough and disruptive innovation and aiming to subsequently scale-up;
- (c) equity-only support to non-bankable SMEs, including start-ups, which have already received a grant-only support, may also be provided.

Grant-only support under the Accelerator shall be provided only under the following cumulative conditions:

- (a) the project shall include information on the capacities and willingness of the applicant to scale up;
- (b) the beneficiary shall be a start-up or an SME;
- (c) a grant-only support under the Accelerator shall be provided only once to a beneficiary during the period of implementation of the Programme for a maximum of EUR 2,5 million.

2. The beneficiary of the Accelerator shall be a legal entity qualifying as a start-up, an SME or in exceptional cases as a small mid-cap intending to scale up, established in a Member State or associated country. The proposal may be submitted either by the beneficiary or, subject to the prior agreement by the beneficiary, by one or more natural persons or legal entities intending to establish or support that beneficiary. In the latter case, the funding agreement shall be signed only with the beneficiary.

3. A single award decision shall cover and provide funding for all forms of Union contribution provided under EIC blended finance.

4. Proposals shall be evaluated on their individual merits by independent external experts and selected for funding through an open call for proposals with cut-off dates, based on Articles 27, 28 and 29, subject to paragraph 5 of this Article.

5. The proposals submitted shall be evaluated on the basis of the following award criteria:

(a) excellence;

(b) impact;

(c) the level of risk of the action that would prevent investments, the quality and efficiency of the implementation, and the need for Union support.

6. With the agreement of the applicants concerned, the Commission or the funding bodies implementing the Programme (including the EIT's KICs) may directly submit for evaluation under the award criterion referred to in point (c) of paragraph 5 a proposal for an innovation and market deployment action which already fulfils the award criteria referred to in points (a) and (b) of paragraph 5, subject to the following cumulative conditions:

(a) the proposal shall stem from any other action funded under Horizon 2020, from the Programme or, subject to an exploratory pilot phase to be launched under the first work programme, from national and/or regional programmes, starting with the mapping of the demand for such a scheme, detailed provisions of which shall be laid down in the specific programme referred to in point (a) of Article 1(2);

(b) the proposal is based on a project review which was carried out within the previous two years assessing the excellence and the impact of the proposal and subject to conditions and processes further detailed in the work programme.

7. A Seal of Excellence may be awarded subject to the following cumulative conditions:

(a) the beneficiary is a start-up, an SME or a small mid-cap;

(b) the proposal was eligible and has passed the applicable thresholds for the award criteria referred to in points (a) and (b) of paragraph 5;

(c) the activity would be eligible under an innovation action.

8. For a proposal having passed the evaluation, independent external experts shall propose a corresponding Accelerator support, based on the risk incurred and the resources and time necessary to bring and deploy the innovation to the market.

The Commission may reject, for justified reasons, a proposal retained by independent external experts, including due to non-compliance with the objectives of Union policies. The Programme Committee shall be informed of the reasons for such a rejection.

9. The grant or the reimbursable advance component of the Accelerator support shall not exceed 70 % of the total eligible costs of the selected innovation action.

10. The conditions for implementation of the equity and the repayable support components of the Accelerator support are set out in Decision (EU) 2021/764.

11. The contract for the selected action shall establish specific measurable milestones and the corresponding pre-financing and payments by instalments of the Accelerator support.

In the case of EIC blended finance, activities corresponding to an innovation action may be launched and the first pre-financing of the grant or the reimbursable advance paid, prior to the implementation of other components of the awarded EIC blended finance. The implementation of those components shall be subject to reaching specific milestones established in the contract.

12. In accordance with the contract, the action shall be suspended, amended or, if duly justified, terminated if measurable milestones are not reached. It may also be terminated where the expected market deployment, especially in the Union, cannot be met.

In exceptional cases and upon advice by the EIC board, the Commission may decide to increase the Accelerator support subject to a project review by independent external experts. The Programme Committee shall be informed of such cases.'

'Article 50

Monitoring and reporting

The Commission shall monitor continuously the management and implementation of the Programme, the specific programme referred to in point (a) of Article 1(2) and the activities of the EIT. In order to enhance transparency, data shall also be made publicly available in an accessible manner on the Commission's website according to the latest update. In particular, data for projects funded under ERC, European partnerships, missions, the EIC and the EIT shall be included in the same database.

The database shall include:

[...]

(b) information on the level of mainstreaming SSH, the ratio between lower and higher TRLs in collaborative research, the progress on the participation of widening countries, the geographical composition of consortia in collaborative projects, the evolution of researchers salaries, the use of a two-stage submission and evaluation procedure, the measures aimed at facilitating collaborative links in European R&I, the use of the evaluation review and the number and types of complaints, the level of climate mainstreaming and related expenditures, SME participation, private sector participation, gender participation in funded actions, evaluation panels, boards and advisory groups, the "Seals of Excellence", the European Partnerships as well as the co-funding rate, the complementary and cumulative funding from other Union programmes, research infrastructures, time-to-grant, the level of international cooperation, engagement of citizens and civil society participation;

Proposal for a DECISION OF THE COUNCIL on establishing the specific programme implementing Horizon Europe – the Framework Programme for Research and Innovation

1.1.3. Additional EIC activities

Additionally, EIC will also implement highly recommended to all selected start-ups and SMEs, and in exceptional cases small mid-caps, although not mandatory, EIC business acceleration services in support of Pathfinder and Accelerator activities and actions. The aim will be to connect the EIC Community of funded innovators, including funded Seal of Excellence, to investors, partners and public buyers. It will provide a range of coaching and mentoring services to EIC actions. It will provide innovators with access to international networks of potential partners, including industrial ones, to complement a value chain or develop market opportunities, and find investors and other sources of private or corporate finance. Activities will include live events (e.g. brokerage events, pitching sessions) but also, the development of matching platforms or use of existing ones, in close relation with financial intermediaries supported by the InvestEU and with the EIB Group. These activities will also encourage peer exchanges as a source of learning in innovation ecosystem, making particular good use of Members of the EIC Board and EIC Fellows;'

TRANSFERS

CPR

Recital 19

'(19) In order to provide Member States with sufficient flexibility in the implementation of their shared management allocations, it should be possible to **transfer** certain levels of funding between the Funds and between shared management and direct and indirectly managed instruments. Where the specific economic and social circumstances of a Member State justify it, that level of transfer should be higher.'

'Article 26

Transfer of resources

1. Member States may request, in the Partnership Agreement or in a request for an amendment of a programme if agreed by the monitoring committee of the programme pursuant to point (d) of Article 40(2), the transfer of up to 5 % of the initial national allocation of each Fund to any other instrument under direct or indirect management, where such possibility is provided for in the basic act of such an instrument.

The sum of the transfers referred to in the first subparagraph of this paragraph and the contributions in accordance with the first subparagraph of Article 14(1) shall not exceed 5 % of the initial national allocation of each Fund.

Member States may also request in the Partnership Agreement or in the request for an amendment of a programme the transfer of up to 5 % of the initial national allocation of each Fund to another Fund or Funds, except for transfers which are set out in the fourth subparagraph.

Member States may also request in the Partnership Agreement or in the request for an amendment of a programme an additional transfer of up to 20 % of the initial national allocation by Fund between the ERDF, the ESF+ or the Cohesion Fund within the Member State's global resources under the Investment for jobs and growth goal. The Member States whose average total unemployment rate for the period 2017-2019 is under 3 % may request such an additional transfer of up to 25 % of the initial national allocation.

2. Transferred resources shall be implemented in accordance with the rules of the Fund or the instrument to which the resources are transferred and, in the case of transfers to instruments under direct or indirect management, for the benefit of the Member State concerned.

3. Requests for an amendment of a programme shall set out the total amount transferred for each year by Fund and by category of region, where applicable, shall be duly justified with a view to the complementarities and impact to be achieved, and shall be accompanied by the amended programme or programmes in accordance with Article 24.

4. After consultation with the Member State concerned, the Commission shall object to a request for transfer in the related programme amendment where such a transfer would undermine the achievement of the objectives of the programme from which the resources are to be transferred.

The Commission shall also object to the request where it considers that the Member State has not provided an adequate justification for the transfer with regard to the results to be achieved or the contribution to be made to the objectives of the receiving Fund or instrument in direct or indirect management.

5. Where the request for transfer concerns an amendment of a programme, only resources of future calendar years may be transferred.

6. JTF resources, including any resources transferred from the ERDF and the ESF+ in accordance with Article 27, shall not be transferable to other Funds or instruments pursuant to paragraphs 1 to 5 of this Article.

The JTF shall not receive transfers pursuant to paragraphs 1 to 5.

7. Where the Commission has not entered into a legal commitment under direct or indirect management for resources transferred in accordance with paragraph 1, the corresponding uncommitted resources may be transferred back to the Fund from which they have been initially transferred and allocated to one or more programmes.

To this end, the Member State shall submit a request for a programme amendment in accordance with Article 24(1), at the latest 4 months before the time limit for commitments set out in the first subparagraph of Article 114(2) of the Financial Regulation.

8. Resources transferred back to the Fund from which they have been initially transferred and allocated to one or more programmes shall be implemented in accordance with the rules set out in this Regulation and the Fund-specific Regulations as from the date of submission of the request for programme amendment.

9. For the resources transferred back to the Fund from which they have been initially transferred and allocated to a programme in accordance with paragraph 7 of this Article, the decommitment time limit as defined in Article 105(1) shall start in the year in which the corresponding budgetary commitments are made.'

Horizon Europe

'Article 15

Alternative, combined and cumulative funding and transfers of resources

[...]

5. Resources allocated to Member States under shared management may, at the request of the Member State concerned, be transferred to the Programme subject to the conditions set out in the relevant provisions of the Common Provisions Regulation for 2021-2027. The Commission shall implement those resources directly in accordance with point (a) of the first subparagraph of Article 62(1) of the Financial Regulation or indirectly in accordance with point (c) of that subparagraph. Those resources shall be used for the benefit of the Member State concerned.

6. Where the Commission has not entered into a legal commitment under direct or indirect management for resources transferred in accordance with paragraph 5, the corresponding uncommitted resources may be transferred back to one or more respective source programmes, at the request of the Member State, in accordance with the conditions set out in the relevant provisions of the Common Provisions Regulation for 2021-2027.'

CUMULATIVE FUNDING

CPR

'Article 63

Eligibility

[...]

9. An operation may receive support from one or more Funds or from one or more programmes and from other Union instruments. In such cases, expenditure declared in a payment application for one of the Funds shall not be declared for either of the following:

- (a) support from another Fund or Union instrument;
- (b) support from the same Fund under another programme.

The amount of expenditure to be entered into a payment application of a Fund may be calculated for each Fund and for the programme or programmes concerned on a *pro rata* basis, in accordance with the document setting out the conditions for support.'

Horizon Europe

'Article 15

Alternative, combined and cumulative funding and transfers of resources

[...]

4. An action that has received a contribution from another Union programme may also receive a contribution under the Programme, provided that the contributions do not cover the same costs. The rules of the relevant Union programme shall apply to the corresponding contribution to the action. The cumulative financing shall not exceed the total eligible costs of the action. The support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.'

COMBINED FUNDING/CO-FUNDED EUROPEAN PARTNERSHIPS

CPR

'Article 71

Programme authorities

[...]

5. Where a programme provides, in line with its objectives, support from the ERDF or the ESF+ to a programme co-funded by Horizon Europe, as referred to in point (b) of Article 10(1) of the Horizon Europe Regulation, the body implementing the programme co-funded by Horizon Europe shall be identified as an intermediate body by the managing authority of the relevant programme, in accordance with paragraph 3 of this Article.'

'Article 73

Selection of operations by the managing authority

[...]

4. For operations attributed a Seal of Excellence, or operations selected under a programme co-funded by Horizon Europe, the managing authority may decide to grant support from the ERDF or the ESF+ directly, provided that such operations meet the requirements set out in points (a), (b) and (g) of paragraph 2.

In addition, managing authorities may apply to the operations referred to in the first subparagraph the categories, maximum amounts and methods of calculation of eligible costs established under the relevant Union instrument. These elements shall be set out in the document referred in paragraph 3.'

Horizon Europe

'Article 15

Alternative, combined and cumulative funding and transfers of resources

[...]

1. Financial contributions under programmes co-financed by the ERDF, the ESF+, the EMFAF and the EAFRD may be considered to be a contribution of the participating Member State to European partnerships under points (b) and (c) of Article 10(1) of this Regulation, provided that the relevant provisions of the Common Provisions Regulation for 2021-2027 and the fund-specific regulations are complied with.'

Commission Regulation (EU) 2021/1237 of 23 July 2021 amending Regulation (EU) No 651/2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty

'Article 25a

Aid for projects awarded a Seal of Excellence quality label

1. Aid for SMEs for research and development projects as well as feasibility studies awarded a Seal of Excellence quality label under the Horizon 2020 or the Horizon Europe programme, shall be compatible with the internal market within the meaning of Article 107(3) of the Treaty and shall be exempted from the notification requirement of Article 108(3) of the Treaty, provided that the conditions laid down in this Article and in Chapter I are fulfilled.

2. The eligible activities of the aided research and development project or feasibility study shall be those defined as eligible under the Horizon 2020 or the Horizon Europe programme rules, excluding activities going beyond experimental development activities.

3. The categories, maximum amounts and methods of calculation of eligible costs of the aided research and development project or feasibility study shall be those defined as eligible under the Horizon 2020 or Horizon Europe programme rules.

4. The maximum aid amount shall not exceed EUR 2,5 million per SME per research and development project or feasibility study.

5. The total public funding provided for each research and development project or feasibility study shall not exceed the funding rate set out for that research and development project or feasibility study under the Horizon 2020 or under the Horizon Europe programme rules.

Article 25b

Aid for Marie Skłodowska-Curie actions and ERC Proof of Concept actions

1. Aid for Marie Skłodowska-Curie actions and ERC Proof of Concept actions awarded a Seal of Excellence quality label under the Horizon 2020 or the Horizon Europe programme shall be compatible with the internal market within the meaning of Article 107(3) of the Treaty and shall be exempted from the notification requirement of Article 108(3) of the Treaty, provided that the conditions laid down in this Article and in Chapter I are fulfilled.

2. The eligible activities of the aided action shall be those defined as eligible under the Horizon 2020 or the Horizon Europe programme rules.

3. The categories, maximum amounts and methods of calculation of eligible costs of the aided action shall be those defined as eligible under the Horizon 2020 or Horizon Europe programme rules.
4. The total public funding provided for each aided action shall not exceed the maximum level of support provided for in the Horizon 2020 or the Horizon Europe programme.

Article 25c

Aid involved in co-funded research and development projects

1. Aid provided to a co-funded research and development project or a feasibility study (including research and development projects implemented under a European Institutionalised Partnership based on Article 185 or Article 187 of the Treaty or a programme co-funded action, as defined in the Horizon Europe programme rules) which is implemented by at least three Member States, or alternatively two Member States and at least one associated country, and selected on the basis of the evaluation and ranking made by independent experts following transnational calls in line with the Horizon 2020 or Horizon Europe programme rules, shall be compatible with the internal market within the meaning of Article 107(3) of the Treaty and shall be exempted from the notification requirement of Article 108(3) of the Treaty provided that the conditions laid down in this Article and in Chapter I are fulfilled.
2. The eligible activities of the aided research and development project or feasibility study shall be those defined as eligible under the Horizon 2020 or the Horizon Europe programme rules, excluding activities going beyond experimental development activities.
3. The categories, maximum amounts and methods of calculation of eligible costs shall be those defined as eligible under the Horizon 2020 or the Horizon Europe programme rules.
4. The total public funding provided shall not exceed the funding rate established for the research and development project or feasibility study following the selection, ranking and evaluation under the Horizon 2020 or Horizon Europe programme rules.
5. The funding provided by the Horizon 2020 or Horizon Europe programme shall cover at least 30 % of the total eligible costs of a research and innovation action or an innovation action as defined under the Horizon 2020 or Horizon Europe programme.

Article 25d

Aid for Teaming actions

1. Aid provided to co-funded Teaming actions, involving at least two Member States and selected on the basis of the evaluation and ranking made by independent experts following transnational calls under the Horizon 2020 or the Horizon Europe programme rules, shall be compatible with the internal market within the meaning of Article 107(3) of the Treaty and shall be exempted from the notification requirement of Article 108(3) of the Treaty provided that the conditions laid down in this Article and in Chapter I are fulfilled.
2. The eligible activities of the co-funded Teaming action shall be those defined as eligible under the Horizon 2020 or Horizon Europe programme rules. Activities going beyond experimental development activities are excluded.
3. The categories, maximum amounts and methods of calculation of eligible costs shall be those defined as eligible under the Horizon 2020 or the Horizon Europe programme rules. In addition, investment costs in project-related tangible and intangible assets shall be eligible.
4. The total public funding provided shall not exceed the funding rate established for the Teaming action following the selection, ranking and evaluation under the Horizon 2020 or the Horizon Europe programme rules. In addition, for investments in project-related tangible and intangible assets the aid shall not exceed 70 % of the investment costs.

5. For investment aid for infrastructures under a Teaming action the following additional conditions shall apply:
- (a) where the infrastructure pursues both economic and non-economic activities, the financing, costs and revenues of each type of activity shall be accounted for separately on the basis of consistently applied and objectively justifiable cost accounting principles;
 - (b) the price charged for the operation or use of the infrastructure shall correspond to a market price;
 - (c) access to the infrastructure shall be open to several users and be granted on a transparent and non-discriminatory basis. Undertakings which have financed at least 10 % of the investment costs of the infrastructure may be granted preferential access under more favourable conditions. In order to avoid overcompensation, such access shall be proportional to the undertaking's contribution to the investment costs and these conditions shall be made publicly available;
 - (d) where the infrastructure receives public funding for both economic and non-economic activities, Member States shall put in place a monitoring and claw-back mechanism in order to ensure that the applicable aid intensity is not exceeded as a result of an increase in the share of economic activities compared to the situation envisaged at the time of awarding the aid.'
-

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Interest rate applied by the European Central Bank to its main refinancing operations ⁽¹⁾:**2,00 % on 1 November 2022****Euro exchange rates ⁽²⁾****3 November 2022**

(2022/C 421/04)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	0,9753	CAD	Canadian dollar	1,3452
JPY	Japanese yen	144,58	HKD	Hong Kong dollar	7,6560
DKK	Danish krone	7,4433	NZD	New Zealand dollar	1,6957
GBP	Pound sterling	0,87228	SGD	Singapore dollar	1,3878
SEK	Swedish krona	10,9320	KRW	South Korean won	1 391,75
CHF	Swiss franc	0,9889	ZAR	South African rand	18,0173
ISK	Iceland króna	144,90	CNY	Chinese yuan renminbi	7,1367
NOK	Norwegian krone	10,3543	HRK	Croatian kuna	7,5375
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	15 400,20
CZK	Czech koruna	24,539	MYR	Malaysian ringgit	4,6271
HUF	Hungarian forint	407,87	PHP	Philippine peso	57,463
PLN	Polish zloty	4,7090	RUB	Russian rouble	
RON	Romanian leu	4,9013	THB	Thai baht	37,091
TRY	Turkish lira	18,1602	BRL	Brazilian real	5,0262
AUD	Australian dollar	1,5517	MXN	Mexican peso	19,2363
			INR	Indian rupee	80,8845

⁽¹⁾ Rate applied to the most recent operation carried out before the indicated day. In the case of a variable rate tender, the interest rate is the marginal rate.

⁽²⁾ Source: reference exchange rate published by the ECB.

NOTICES FROM MEMBER STATES

Information communicated by Member States regarding closure of fisheries

(2022/C 421/05)

In accordance with Article 35(3) of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, a decision has been taken to close the fishery as set down in the following table:

Date and time of closure	28.9.2022
Duration	28.9.2022 — 31.12.2022
Member State	Italy
Stock or Group of stocks	ARS/GF8-11
Species	Giant red shrimp (<i>Aristaeomorpha foliacea</i>)
Zone	GSA 8-9-10-11
Type(s) of fishing vessels	—
Reference number	09/TQ110

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

V

*(Announcements)*PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON
COMMERCIAL POLICY

EUROPEAN COMMISSION

**Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of
certain open mesh fabrics of glass fibres originating in the People's Republic of China**

(2022/C 421/06)

Following the publication of a Notice of impending expiry ⁽¹⁾ of the anti-dumping measures in force on the imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China ('the PRC' or 'the country concerned'), the European Commission ('the Commission') has received a request for review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽²⁾ ('the basic Regulation').

1. Request for review

The request was submitted on 2 August 2022 by Tech-Fab Europe ('the applicant') on behalf of the Union industry of certain open mesh fabrics of glass fibres in the sense of Article 5(4) of the basic Regulation.

An open version of the request and the analysis of the degree of support by Union producers for the request are available in the file for inspection by interested parties. Section 5.6 of this Notice provides information about access to the file for interested parties.

2. Product under review

The product subject to this review is open mesh fabrics of glass fibres, of a cell size of more than 1,8 mm both in length and in width and weighing more than 35 g/m², excluding fibreglass discs ('the product under review'), currently falling under CN codes ex 7019 63 00, ex 7019 64 00, ex 7019 65 00, ex 7019 66 00 and ex 7019 69 90 (TARIC codes 7019 63 00 19, 7019 64 00 19, 7019 65 00 18, 7019 66 00 18 and 7019 69 90 19). The CN and TARIC codes are given for information only.

⁽¹⁾ OJ C 63, 7.2.2022, p. 11.

⁽²⁾ OJ L 176, 30.6.2016, p. 21.

3. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Commission Implementing Regulation (EU) 2017/1993 ⁽³⁾, as amended by Commission Implementing Regulation (EU) 2018/788 ⁽⁴⁾.

4. Grounds for the review

The request is based on the grounds that the expiry of the measures would be likely to result in continuation or recurrence of dumping and continuation or recurrence of injury to the Union industry.

4.1. Allegation of likelihood of continuation or recurrence of dumping

4.1.1. Allegation of likelihood of continuation or recurrence of dumping from the PRC

The applicant claimed that it is not appropriate to use domestic prices and costs in the PRC, due to the existence of significant distortions within the meaning of point (b) of Article 2(6a) of the basic Regulation.

To substantiate the allegations of significant distortions, the applicant relied on the information contained in the country report produced by the Commission services on 20 December 2017 describing the specific market circumstances in the PRC ⁽⁵⁾. In particular, the applicant referred to distortions as state presence in general and more specific affecting the chemical sector and to chapters on raw materials and energy. In addition, the applicant relied on publicly available information, in particular the Fourteenth Five-Year Plan for the National Economic and Social Development of the People's Republic of China and the Outline of the Long-term Goals for 2035. Finally, the applicant also relied on the Commission's findings in recent anti-dumping and anti-subsidy investigations ⁽⁶⁾.

⁽³⁾ Commission Implementing Regulation (EU) 2017/1993 of 6 November 2017 imposing a definitive anti-dumping duty on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China as extended to imports of certain open mesh fabrics of glass fibres consigned from India, Indonesia, Malaysia, Taiwan and Thailand, whether declared as originating in these countries or not, following an expiry review pursuant to Article 11(2) of the Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 288, 7.11.2017, p. 4).

⁽⁴⁾ Commission Implementing Regulation (EU) 2018/788 of 30 May 2018 amending Implementing Regulation (EU) 2017/1993 imposing a definitive anti-dumping duty on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China as extended to imports of certain open mesh fabrics of glass fibres consigned from India, Indonesia, Malaysia, Taiwan and Thailand, whether declared as originating in these countries or not following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 of the European Parliament and of the Council (OJ L 134, 31.5.2018, p. 5).

⁽⁵⁾ Commission Staff Working Document, on Significant Distortions in the Economy of the People's Republic of China for the Purposes of Trade Defence Investigations, 20 December 2017, SWD(2017) 483 final/2, available at: https://trade.ec.europa.eu/doclib/docs/2017/december/tradoc_156474.pdf

⁽⁶⁾ Commission Implementing Regulation (EU) 2020/492 of 1 April 2020 imposing definitive anti-dumping duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt (OJ L 108 of 6.4.2020, p. 1); Commission Implementing Regulation (EU) 2020/776 of 12 June 2020 imposing definitive countervailing duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt and amending Commission Implementing Regulation (EU) 2020/492 imposing definitive anti-dumping duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt (OJ L 189, 15.6.2020, p. 1); Commission Implementing Regulation (EU) 2020/870 of 24 June 2020 imposing a definitive countervailing duty and definitively collecting the provisional countervailing duty imposed on imports of continuous filament glass fibre products originating in Egypt, and levying the definitive countervailing duty on the registered imports of continuous filament glass fibre products originating in Egypt (OJ L 201, 25.6.2020, p. 10); Commission Implementing Regulation (EU) 2021/328 of 24 February 2021 imposing a definitive countervailing duty on imports of continuous filament glass fibre products originating in the People's Republic of China following an expiry review pursuant to Article 18 of the Regulation (EU) 2016/1037 of the European Parliament and of the Council (OJ L 65, 25.2.2021, p. 1); Commission Implementing Regulation (EU) 2021/2287 of 17 December 2021 imposing definitive countervailing duties on imports of aluminium converter foil originating in the People's Republic of China and amending Implementing Regulation (EU) 2021/2170 imposing definitive anti-dumping duties on imports of aluminium converter foil originating in the People's Republic of China (OJ L 458, 22.12.2021, p. 344); and Commission Implementing Regulation (EU) 2022/72 of 18 January 2022 imposing definitive countervailing duties on imports of optical fibre cables originating in the People's Republic of China and amending Implementing Regulation (EU) 2021/2011 imposing a definitive anti-dumping duty on imports of optical fibre cables originating in the People's Republic of China (OJ L 12, 19.1.2022, p. 34).

As a result, in view of Article 2(6a)(a) of the basic Regulation, the allegation of recurrence of dumping from the PRC is based on a comparison of a constructed normal value on the basis of costs of production and sale reflecting undistorted prices or benchmarks in an appropriate representative country with the export price (at ex-works level) of the product under review when sold for export to certain third countries, in view of the current absence of significant import volumes at TARIC codes level from the PRC to the Union.

On the basis of the above comparison, which shows dumping, the applicant alleges that there is a likelihood of recurrence of dumping from the PRC.

The applicant further alleges that the absence of significant import volumes at TARIC codes level from the PRC to the Union does not correspond to the information at its disposal about the presence of Chinese imports on the Union market. In this context, the applicant also alleges the continuation of dumping. The allegation is based on a comparison of a constructed normal value on the basis of costs of production and sale reflecting undistorted prices or benchmarks in an appropriate representative country with the export price (at ex-works level) of the product under review when sold for export to the Union.

On this basis, the dumping margins calculated are significant for the PRC.

In light of the information available, the Commission considers that there is sufficient evidence pursuant to Article 5(9) of the basic Regulation tending to show that, due to significant distortions affecting prices and costs, the use of domestic prices and costs in the country concerned is inappropriate, thus warranting the initiation of an investigation on the basis of Article 2(6a) of the basic Regulation.

The country report is available in the file for inspection by interested parties and on DG Trade's website ⁽⁷⁾.

4.2. *Allegation of likelihood of continuation or recurrence of injury*

The applicant alleges the likelihood of continuation or recurrence of injury from the country concerned.

The applicant has provided evidence that, should measures be allowed to lapse, the current import level of the product under review from the country concerned to the Union is likely to increase. This is due to the existence of a substantial unused capacity in the country concerned and the attractiveness of the European Union market in terms of size and prices.

The applicant alleges that any substantial increase of imports at dumped prices from the country concerned would likely cause further injury or lead to a recurrence of injury to the Union industry should measures be allowed to lapse.

5. **Procedure**

Having determined, after consulting the Committee established by Article 15(1) of the basic Regulation, that sufficient evidence of a likelihood of dumping and injury exists to justify the initiation of an expiry review, the Commission hereby initiates a review in accordance with Article 11(2) of the basic Regulation.

The expiry review will determine whether the expiry of the measures would be likely to lead to a continuation or recurrence of dumping of the product under review originating in the PRC and a continuation or recurrence of injury to the Union industry.

The Commission also draws the attention of the parties to the published Notice ⁽⁸⁾ on the consequences of the COVID-19 outbreak on anti-dumping and anti-subsidy investigations that may be applicable to this proceeding.

5.1. *Review investigation period and period considered*

The investigation of a continuation or recurrence of dumping will cover the period from 1 July 2021 to 30 June 2022 ('the review investigation period'). The examination of trends relevant for the assessment of the likelihood of a continuation or recurrence of injury will cover the period from 1 January 2019 to the end of the review investigation period ('the period considered').

⁽⁷⁾ Documents cited in the country report may also be obtained upon a duly reasoned request.

⁽⁸⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020XC0316%2802%29>

5.2. *Comments on the request and the initiation of the investigation*

All interested parties wishing to comment on the request (including matters pertaining to continuation or recurrence of injury and causality) or any aspects regarding the initiation of the investigation (including the degree of support for the request) must do so within 37 days of the date of publication of this Notice in the *Official Journal of the European Union* ⁽⁹⁾.

Any request for a hearing with regard to the initiation of the investigation must be submitted within 15 days of the date of publication of this Notice.

5.3. *Procedure for the determination of a likelihood of continuation or recurrence of dumping*

In an expiry review, the Commission examines exports that were made to the Union in the review investigation period and, irrespective of exports to the Union, considers whether the situation of the companies producing and selling the product under review in the country concerned is such that exports at dumped prices to the Union would be likely to continue or recur if measures expire.

Therefore, all producers ⁽¹⁰⁾ of the product under review from the country concerned, including those that did not cooperate in the investigation(s) leading to the measures in force, are invited to participate in the Commission investigation.

5.3.1. *Investigating producers in the country concerned*

In view of the potentially large number of producers in the country involved in this expiry review and in order to complete the investigation within the statutory time limits, the Commission may limit the producers to be investigated to a reasonable number by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary, and if so, to select a sample, all producers, or representatives acting on their behalf, including the ones who did not cooperate in the investigation leading to the measures subject to the present review, are hereby requested to provide the Commission with information on their companies within 7 days of the date of publication of this Notice. This information must be provided via TRON.tdi at the following address: https://tron.trade.ec.europa.eu/tron/tdi/form/R781_SAMPLING_FORM_FOR_EXPORTING_PRODUCER. Tron access information can be found in sections 5.6 and 5.9 below.

In order to obtain the information it deems necessary for the selection of the sample of producers, the Commission will also contact the authorities of the country concerned and may contact any known associations of producers in the country concerned.

If a sample is necessary, the producers will be selected based on the largest representative volume of production, sales or exports which can reasonably be investigated within the time available. All known producers in the country concerned, the authorities of the country concerned and associations of producers will be notified by the Commission, via the authorities of the country concerned if appropriate, of the companies selected to be in the sample.

Once the Commission has received the necessary information to select a sample of producers, it will inform the parties concerned of its decision whether they are included in the sample. The sampled producers will have to submit a completed questionnaire within 30 days from the date of notification of the decision of their inclusion in the sample, unless otherwise specified.

⁽⁹⁾ All references to the publication of this Notice will be references to publication of this Notice in the *Official Journal of the European Union*, unless otherwise specified.

⁽¹⁰⁾ A producer is any company in the country concerned which produces the product under review, including any of its related companies involved in the production, domestic sales or exports of the product under review.

The Commission will add a note to the file for inspection by interested parties reflecting the sample selection. Any comment on the sample selection must be received within 3 days of the date of notification of the sample decision.

A copy of the questionnaire for producers in the country concerned is available in the file for inspection by interested parties and on DG Trade's website: <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2633>

Without prejudice to the possible application of Article 18 of the basic Regulation, companies that have agreed to their possible inclusion in the sample but are not selected to be in the sample will be considered to be cooperating.

5.3.2. *Additional procedure with regard to the PRC that is subject to significant distortions*

Subject to the provisions of this Notice, all interested parties are hereby invited to make their views known, submit information and provide supporting evidence regarding the application of Article 2(6a) of the basic Regulation. Unless otherwise specified, this information and supporting evidence must reach the Commission within 37 days of the date of publication of this Notice.

In particular, the Commission invites all interested parties to make their views known on the inputs and the Harmonised System (HS) codes provided in the request, propose (an) appropriate representative country(ies) and provide the identity of producers of the product under review in those countries. This information and supporting evidence must reach the Commission within 15 days of the date of publication of this Notice.

Pursuant to point (e) of Article 2(6a) of the basic Regulation, the Commission will, shortly after initiation, by means of a note to the file for inspection by interested parties, inform parties to the investigation about the relevant sources that it intends to use for the purpose of determining normal value in the PRC pursuant to Article 2(6a) of the basic Regulation. This will cover all sources, including the selection of an appropriate representative third country where appropriate. Parties to the investigation shall be given 10 days from the date at which that note is added to that file to submit comments.

According to the information available to the Commission, possible representative third countries for the PRC in this case suggested by the applicant are Russia and India. With the aim of finally selecting the appropriate representative third country, the Commission will examine whether there are countries with a similar level of economic development as the PRC, in which there is production and sales of the product under review and in which relevant data are readily available. Where there is more than one such country, preference will be given, where appropriate, to countries with an adequate level of social and environmental protection.

With regard to the relevant sources, the Commission invites all producers in the PRC to provide information on the materials (raw and processed) and energy used in the production of the product under review within 15 days of the date of publication of this Notice. This information must be provided via TRON.tdi at the following address: https://tron.trade.ec.europa.eu/tron/tdi/form/R781_INFO_ON_INPUTS_FOR_EXPORTING_PRODUCER_FORM. Tron access information can be found in sections 5.6 and 5.9 below.

Furthermore, any submissions of factual information to value costs and prices pursuant to point (a) of Article 2(6a) of the basic Regulation must be filed within 65 days of the date of publication of this Notice. Such factual information should be taken exclusively from publicly available sources.

In order to obtain the information it deems necessary for its investigation with regard to the alleged significant distortions within the meaning of point (b) of Article 2(6a) of the basic Regulation, the Commission will also make available a questionnaire to the Government of the PRC.

5.3.3. Investigating unrelated importers ⁽¹¹⁾ ⁽¹²⁾

Unrelated importers of the product under review from the country concerned to the Union, including those that did not cooperate in the investigation leading to the measures in force, are invited to participate in this investigation.

In view of the potentially large number of unrelated importers involved in this expiry review and in order to complete the investigation within the statutory time limits, the Commission may limit to a reasonable number the unrelated importers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all unrelated importers, or representatives acting on their behalf, including the ones who did not cooperate in the investigation leading to the measures subject to the present review, are hereby requested to make themselves known to the Commission. These parties must do so within 7 days of the date of publication of this Notice by providing the Commission with the information on their company(ies) requested in the Annex to this Notice.

In order to obtain information it deems necessary for the selection of the sample of unrelated importers, the Commission may also contact any known associations of importers.

If a sample is necessary, the importers may be selected based on the largest representative volume of sales of the product under review from the country concerned in the Union that can reasonably be investigated within the time available. All known unrelated importers and associations of importers will be notified by the Commission of the companies selected to be in the sample.

The Commission will also add a note to the file for inspection by interested parties reflecting the sample selection. Any comment on the sample selection must be received within 3 days of the date of notification of the sample decision.

In order to obtain the information it deems necessary for its investigation, the Commission will make available questionnaires to the sampled unrelated importers. Those parties must submit a completed questionnaire within 30 days from the date of the notification of the sample selection, unless otherwise specified.

A copy of the questionnaire for unrelated importers is available in the file for inspection by interested parties and on DG Trade's website: <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2633>

5.4. **Procedure for the determination of a likelihood of a continuation or recurrence of injury and investigating Union producers**

In order to establish whether there is a likelihood of a continuation or recurrence of injury to the Union industry, the Commission invites Union producers of the product under review to participate in the investigation.

⁽¹¹⁾ Only importers not related to producers in the country concerned can be sampled. Importers that are related to producers have to fill in Annex I to the questionnaire for these producers. In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if: (a) they are officers or directors of the other person's business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they control a third person directly or indirectly; or (h) they are members of the same family (OJ L 343, 29.12.2015, p. 558). Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code, 'person' means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts (OJ L 269, 10.10.2013, p. 1).

⁽¹²⁾ The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of dumping.

In view of the large number of Union producers involved in this expiry review and in order to complete the investigation within the statutory time limits, the Commission has decided to limit to a reasonable number the Union producers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling is carried out in accordance with Article 17 of the basic Regulation.

The Commission has provisionally selected a sample of Union producers. Details can be found in the file for inspection by interested parties.

Interested parties are hereby invited to comment on the provisional sample. In addition, other Union producers, or representatives acting on their behalf, including Union producers who did not cooperate in the investigation(s) leading to the measures in force, that consider that there are reasons why they should be included in the sample must contact the Commission within 7 days of the date of publication of this Notice. All comments regarding the provisional sample must be received within 7 days of the date of publication of this Notice, unless otherwise specified.

The Commission will notify all known Union producers and/or associations of Union producers of the companies finally selected to be in the sample.

The sampled Union producers will have to submit a completed questionnaire within 30 days from the date of notification of the decision of their inclusion in the sample, unless otherwise specified.

A copy of the questionnaire for Union producers is available in the file for inspection by interested parties and on DG Trade's website: <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2633>

5.5. ***Procedure for the assessment of Union interest***

Should the likelihood of continuation or recurrence of dumping and injury be confirmed, a decision will be reached, pursuant to Article 21 of the basic Regulation, as to whether maintaining the anti-dumping measures would not be against the Union interest.

Union producers, importers and their representative associations, users and their representative associations, trade unions and representative consumer organisations are invited to provide the Commission with information on the Union interest.

Information concerning the assessment of the Union interest must be provided within 37 days of the date of publication of this Notice, unless otherwise specified. This information may be provided either in a free format or by completing a questionnaire prepared by the Commission.

A copy of the questionnaires, including the questionnaire for users of the product under review, is available in the file for inspection by interested parties and on DG Trade's website: <https://tron.trade.ec.europa.eu/investigations/case-view?caseId=2633>. In any case, information submitted pursuant to Article 21 of the basic Regulation will only be taken into account if supported by factual evidence at the time of submission, which substantiates its validity.

5.6. ***Interested parties***

In order to participate in the investigation, interested parties, such as producers in the country concerned, Union producers, importers and their representative associations, users and their representative associations, trade unions and representative consumer organisations first have to demonstrate that there is an objective link between their activities and the product under review.

Producers in the country concerned, Union producers, importers and representative associations who made information available in accordance to the procedures described in sections 5.3.1, 5.3.3 and 5.4 will be considered as interested parties if there is an objective link between their activities and the product under review.

Other parties will only be able to participate in the investigation as interested party from the moment they make themselves known, and provided that there is an objective link between their activities and the product under review. Being considered as an interested party is without prejudice to the application of Article 18 of the basic Regulation.

Access to the file available for inspection for interested parties is made via Tron.tdi at the following address: <https://tron.trade.ec.europa.eu/tron/TDI>. Please follow the instructions on that page to get access ⁽¹³⁾.

5.7. **Other written submissions**

Subject to the provisions of this Notice, all interested parties are hereby invited to make their views known, submit information and provide supporting evidence. Unless otherwise specified, this information and supporting evidence must reach the Commission within 37 days of the date of publication of this Notice.

5.8. **Possibility to be heard by the Commission investigation services**

All interested parties may request to be heard by the Commission investigation services. Any request to be heard must be made in writing and must specify the reasons for the request as well as a summary of what the interested party wishes to discuss during the hearing. The hearing will be limited to the issues set out by the interested parties in writing beforehand.

In principle, hearings will not be used to present factual information which is not yet on file. Nevertheless, in the interest of good administration and to enable Commission services to progress with the investigation, interested parties may be directed to provide new factual information after a hearing.

5.9. **Instructions for making written submissions and sending completed questionnaires and correspondence**

Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Interested parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing the Commission a) to use the information and data for the purpose of this trade defence proceeding and b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their rights of defence.

All written submissions, including the information requested in this Notice, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Sensitive' ⁽¹⁴⁾. Parties submitting information in the course of this investigation are invited to reason their request for confidential treatment.

Parties providing 'Sensitive' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. These summaries must be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If a party providing confidential information fails to show good cause for a confidential treatment request or does not furnish a non-confidential summary of it in the requested format and quality, the Commission may disregard such information unless it can be satisfactorily demonstrated from appropriate sources that the information is correct.

Interested parties are invited to make all submissions and requests via TRON.tdi (<https://tron.trade.ec.europa.eu/tron/TDI>) including requests to be registered as interested parties, scanned powers of attorney and certification sheets. By using TRON.tdi or email, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN

⁽¹³⁾ In case of technical problems please contact the Trade Service Desk by email trade-service-desk@ec.europa.eu or by telephone +32 22979797.

⁽¹⁴⁾ A 'Sensitive' document is a document which is considered confidential pursuant to Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: <https://circabc.europa.eu/ui/group/2e3865ad-3886-4131-92bb-a71754ffec6/library/c8672a13-8b83-4129-b94c-bfd1bf27eaac/details>.

The interested parties must indicate their name, address, telephone and a valid email address and they should ensure that the provided email address is a functioning official business email which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by TRON.tdi or email only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions via TRON.tdi and by email, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate G
Office: CHAR 04/039
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

TRON.tdi: <https://tron.trade.ec.europa.eu/tron/tdi>

Emails:

— For dumping issues: TRADE-OPEN-MESH-R781-DUMPING@ec.europa.eu

— For injury and Union interest issues, and sending the Annex to this Notice filled in: TRADE-OPEN-MESH-R781-INJURY@ec.europa.eu

6. **Schedule of the investigation**

The investigation shall normally be concluded within 12 months and in any event no later than 15 months from the date of the publication of this Notice, pursuant to Article 11(5) of the basic Regulation.

7. **Submission of information**

As a rule, interested parties may only submit information in the timeframes specified in section 5 of this Notice.

In order to complete the investigation within the mandatory deadlines, the Commission will not accept submissions from interested parties after the deadline to provide comments on the final disclosure or, if applicable, after the deadline to provide comments on the additional final disclosure.

8. **Possibility to comment on other parties' submissions**

In order to guarantee the rights of defence, interested parties should have the possibility to comment on information submitted by other interested parties. When doing so, interested parties may only address issues raised in the other interested parties' submissions and may not raise new issues.

Comments on the information provided by other interested parties in reaction to the disclosure of the definitive findings should be submitted within 5 days from the deadline to comment on the definitive findings, unless otherwise specified. If there is an additional final disclosure, comments on the information provided by other interested parties in reaction to this further disclosure should be made within 1 day from the deadline to comment on this further disclosure, unless otherwise specified.

The outlined timeframe is without prejudice to the Commission's right to request additional information from interested parties in duly justified cases.

9. **Extension to time limits specified in this Notice**

Any extension to the time limits provided for in this Notice should only be requested in exceptional circumstances and will only be granted if duly justified. In any event, any extensions to the deadline to reply to questionnaires will be limited normally to 3 days, and as a rule will not exceed 7 days. Regarding time limits for the submission of other information specified in the Notice of initiation, extensions will be limited to 3 days unless exceptional circumstances are demonstrated.

10. **Non-cooperation**

In cases where any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made on the basis of facts available, in accordance with Article 18 of the basic Regulation.

Where it is found that any interested party has supplied false or misleading information, the information may be disregarded and use may be made of facts available.

If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

Failure to give a computerised response shall not be deemed to constitute non-cooperation, provided that the interested party shows that presenting the response as requested would result in an unreasonable extra burden or unreasonable additional cost. The interested party should immediately contact the Commission.

11. **Hearing Officer**

Interested parties may request the intervention of the Hearing Officer in trade proceedings. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and any other request concerning the rights of defence of interested parties and third parties as may arise during the proceeding.

The Hearing Officer may organise hearings and mediate between the interested party/-ies and Commission services to ensure that the interested parties' rights of defence are being fully exercised. A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. The Hearing Officer will examine the reasons for the requests. These hearings should only take place if the issues have not been settled with the Commission services in due course.

Any request must be submitted in good time and expeditiously so as not to jeopardise the orderly conduct of proceedings. To that effect, interested parties should request the intervention of the Hearing Officer at the earliest possible time following the occurrence of the event justifying such intervention. Where hearing requests are submitted outside the relevant timeframes, the Hearing Officer will also examine the reasons for such late requests, the nature of the issues raised and the impact of those issues on the rights of defence, having due regard to the interests of good administration and the timely completion of the investigation.

For further information and contact details interested parties may consult the Hearing Officer's web pages on DG Trade's website:

https://policy.trade.ec.europa.eu/contacts/hearing-officer_en

12. **Possibility to request a review under Article 11(3) of the basic Regulation**

As this expiry review is initiated in accordance with the provisions of Article 11(2) of the basic Regulation, the findings thereof will not lead to the existing measures being amended but will lead to those measures being repealed or maintained in accordance with Article 11(6) of the basic Regulation.

If any interested party considers that a review of the measures is warranted so as to allow for the possibility to amend the measures, that party may request a review pursuant to Article 11(3) of the basic Regulation.

Parties wishing to request such a review, which would be carried out independently of the expiry review mentioned in this Notice, may contact the Commission at the address given above.

13. **Processing of personal data**

Any personal data collected in this investigation will be treated in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽¹⁵⁾.

A data protection notice that informs all individuals of the processing of personal data in the framework of Commission's trade defence activities is available on DG Trade's website:

https://policy.trade.ec.europa.eu/enforcement-and-protection/trade-defence_en

⁽¹⁵⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

ANNEX

<input type="checkbox"/>	Sensitive version
<input type="checkbox"/>	Version for inspection by interested parties
(tick the appropriate box)	

**EXPIRY REVIEW OF THE ANTI-DUMPING MEASURES APPLICABLE TO IMPORTS OF CERTAIN
OPEN MESH FABRICS OF GLASS FIBRES ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA**

INFORMATION FOR THE SELECTION OF THE SAMPLE OF UNRELATED IMPORTERS

This form is designed to assist unrelated importers in responding to the request for sampling information made in point 5.3.3 of the Notice of initiation.

Both the *Sensitive* version and the version *For inspection by interested parties* should be returned to the Commission as set out in the notice of initiation.

1. IDENTITY AND CONTACT DETAILS

Supply the following details about your company:

Company name	
Address	
Contact person	
Email address	
Telephone number	

2. TURNOVER AND SALES VOLUME

Indicate the total turnover in euros (EUR) of the company, the value in euros (EUR) and volume in tonnes and square meters for imports and resales on the Union market after importation from the People's Republic of China, during the review investigation period, of the product under review as defined in the Notice of initiation.

	Volume in tonnes	Volume in m ²	Value in euros (EUR)
Total turnover of your company in euros (EUR)			
Imports of the product under review originating in the People's Republic of China			
Imports of the product under review (all origins)			
Resales on the Union market after importation from the People's Republic of China of the product under review			

3. ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES ⁽¹⁾

Give details of the precise activities of the company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and/or domestic) of the product under review. Such activities could include but are not limited to purchasing the product under review, producing it under sub-contracting arrangements, or processing or trading it.

Company name and location	Activities	Relationship

4. OTHER INFORMATION

Please provide any other relevant information which the company considers useful to assist the Commission in the selection of the sample.

5. CERTIFICATION

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is selected to be part of the sample, this will involve completing a questionnaire and accepting a visit at its premises in order to verify its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The Commission's findings for non-cooperating importers are based on the facts available and the result may be less favourable to that company than if it had cooperated.

Signature of authorised official:

Name and title of authorised official:

Date:

⁽¹⁾ In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if: (a) they are officers or directors of the other person's business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they control a third person directly or indirectly; or (h) they are members of the same family (OJ L 343, 29.12.2015, p. 558). Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code, 'person' means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts (OJ L 269, 10.10.2013, p. 1).

ISSN 1977-091X (electronic edition)
ISSN 1725-2423 (paper edition)



Publications Office
of the European Union
L-2985 Luxembourg
LUXEMBOURG

EN