

## I

(Legislative acts)

## REGULATIONS

**REGULATION (EU) 2021/240 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL****of 10 February 2021****establishing a Technical Support Instrument**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the third paragraph of Article 175 and Article 197(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

Having regard to the opinion of the Committee of the Regions <sup>(2)</sup>,

Acting in accordance with the ordinary legislative procedure <sup>(3)</sup>,

Whereas:

- (1) In accordance with Articles 120 and 121 of the Treaty on the Functioning of the European Union (TFEU), Member States are required to conduct their economic policies with a view to contributing to the achievement of the objectives of the Union and in the context of the broad guidelines that the Council formulates. Article 148 TFEU requires Member States to implement employment policies that take into account guidelines for employment drawn up by the Council. The coordination of Member States' economic policies is therefore a matter of common concern.
- (2) Article 175 TFEU requires, inter alia, Member States to coordinate their economic policies in such a way as to attain the objectives on economic, social and territorial cohesion set out in Article 174 thereof.
- (3) The COVID-19 outbreak in early 2020 changed the economic and social outlook for the years to come in the Union and in the world. In the Union, new priorities have emerged, linked with the crisis, specifically focussing on recovery and resilience. Those priorities require an urgent and coordinated response from the Union in order to cope with the economic, social and health-related consequences for Member States as well as to mitigate the social and economic fallout. In particular, women have been hit especially hard by the economic consequences of the COVID-19 crisis. The COVID-19 crisis, as well as the previous economic and financial crisis, has shown that developing sound and resilient economies and financial systems built on strong and sustainable economic and social structures helps Member States to respond more efficiently to shocks and to recover more swiftly from them. The need for preparedness of health systems, essential public services and effective social protection mechanisms was also clearly demonstrated. Growth-enhancing, sustainable, smart and socially responsible reforms and investments, sound fiscal policies and the creation of high-quality jobs to respond to the new challenges, address structural economic

<sup>(1)</sup> OJ C 364, 28.10.2020, p. 132.

<sup>(2)</sup> OJ C 440, 18.12.2020, p. 160.

<sup>(3)</sup> Position of the European Parliament of 19 January 2021 (not yet published in the Official Journal) and decision of the Council of 2 February 2021.

weaknesses and strengthen economic resilience will therefore be essential to setting the economy and society back on a sustainable recovery path and to overcoming the economic, social and territorial divergences in the Union. This should be done in the interest of the well-being of Union citizens and in accordance with relevant fundamental rights principles.

- (4) Regulation (EU) 2017/825 of the European Parliament and of the Council (\*) established the Structural Reform Support Programme for the period 2017 to 2020, with a budget of EUR 142 800 000 at the moment of adoption. The Structural Reform Support Programme was established to strengthen the capacity of Member States to prepare and implement growth-sustaining administrative and structural reforms, including through assistance for the efficient and effective use of the Union funds. Technical support under the Structural Reform Support Programme is provided by the Commission, upon request from a Member State, and can cover a wide range of policy areas. This Regulation is designed as a continuation of that programme, which has been positively received by Member States, while incorporating relevant adjustments.
- (5) Member States have increasingly taken up technical support under the Structural Reform Support Programme. Therefore, this Regulation should establish a technical support instrument with a view to continuing and enhancing support for Member States in the implementation of reforms (the 'instrument').
- (6) At Union level, the European Semester for economic policy coordination is the framework that identifies challenges and national reform priorities and monitors the implementation of those priorities. Member States also develop their own national multiannual investment strategies in support of those priorities in the context of the European Semester. Those strategies are presented alongside the yearly National Reform Programmes as a way to outline and coordinate priorities to be supported by national or Union funding. They should also serve as a means of using Union funding in a coherent manner and of maximising the added value of the financial support to be received in particular from the programmes supported by the Union under the structural and cohesion funds and from other programmes. With regard to the challenges identified in the context of European Semester, the instrument would have a clear added value in assisting Member States to enhance their capacity to effectively address the country-specific recommendations.
- (7) Reflecting the European Green Deal as the Union's growth strategy and the translation of the Union's commitments to implement the Paris Agreement on climate change and the United Nations' Sustainable Development Goals, the instrument will contribute to the implementation of the European Green Deal, the mainstreaming of climate actions and the achievement of the overall target of 30 % of Union budget expenditure supporting climate objectives and the ambition of providing 7,5 % of annual spending under the Multiannual Financial Framework to biodiversity objectives from 2024 and 10 % in 2026 and 2027, while considering the existing overlaps between climate and biodiversity objectives. Relevant actions should be identified during the instrument's preparation and implementation and reassessed in the context of the relevant evaluations and review processes. The instrument should also tackle broader environmental and social challenges within the Union, including the protection of natural capital, preserving biodiversity and the support to the circular economy and the energy transition, in accordance with the 2030 Agenda for Sustainable Development. The instrument should also support the digital transition and contribute to the creation of the Digital Single Market.
- (8) The general objective of the instrument should be to promote the Union's economic, social and territorial cohesion by supporting Member States efforts to implement reforms. This is necessary to encourage public and private investments, support sustainable and fair economic and social recovery and convergence, achieve resilience, reduce poverty and inequality, promote gender equality, increase competitiveness, effectively address the challenges identified in the adopted country-specific recommendations and implement Union law. This is also necessary to support Member States' efforts to strengthen their institutional and administrative capacity and judicial framework,

(\*) Regulation (EU) 2017/825 of the European Parliament and of the Council of 17 May 2017 on the establishment of the Structural Reform Support Programme for the period 2017 to 2020 and amending Regulations (EU) No 1303/2013 and (EU) No 1305/2013 (OJ L 129, 19.5.2017, p. 1).

including at regional and local level, and their efforts to implement policy objectives to facilitate socially inclusive, green and digital transitions, in accordance with the Paris Agreement on climate change, the Union's 2030 climate and energy targets and climate neutrality by 2050 target, the United Nations Sustainable Development Goals and the European Pillar of Social Rights.

- (9) The specific objectives of the instrument should be to assist national authorities in their endeavours to design, develop and implement reforms and to prepare, amend, implement and revise recovery and resilience plans pursuant to Regulation (EU) 2021/241 of the European Parliament and of the Council<sup>(5)</sup>, including through exchange of good practices, appropriate processes and methodologies, stakeholder involvement, where appropriate, and more effective and efficient human resources management.
- (10) In order to help Member States to design, develop and implement reforms in all the key economic and societal areas, the Commission should continue to provide technical support, upon request from a Member State, in a broad range of policy domains, which include areas related to public financial and asset management, institutional and administrative reform, judicial reform, business environment, the financial sector and improvement of financial literacy, markets for products, services and labour, education and training, gender equality, sustainable development, public health, social welfare and care, as well as early detection and coordinated response capabilities. Specific emphasis should be placed on actions that foster the green and digital transitions. The instrument should also support preparation for membership of the euro area.
- (11) This Regulation lays down a financial envelope for the instrument, which is to constitute the prime reference amount, within the meaning of the Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources<sup>(6)</sup>, for the European Parliament and for the Council during the annual budgetary procedure. The annual appropriations should be authorised by the European Parliament and by the Council in the framework of the annual budgetary procedure, within the limits of the Multiannual Financial Framework and taking into account demand for the instrument.
- (12) In order to cater for additional needs under the instrument, Member States should have the possibility to transfer to the budget of the instrument resources programmed in shared management under Union funds and transfer back uncommitted resources, in accordance with a Regulation 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 and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument. Transferred resources should be implemented in accordance with the rules of the instrument and should be used exclusively for the benefit of the Member State concerned. The Commission should provide feedback to that Member State on the use of the transferred resources.
- (13) In order to cater for additional needs under the instrument, a Member State should be able to request additional technical support and should pay for the expenses pertaining to such additional support. Such payments should constitute external assigned revenue in accordance with the Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council<sup>(7)</sup> (the 'Financial Regulation') and should be used exclusively for the benefit of that Member State.

<sup>(5)</sup> Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (see page 17 of this Official Journal).

<sup>(6)</sup> OJ L 433 I, 22.12.2020, p. 28.

<sup>(7)</sup> Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

- (14) Technical support should be provided on request, in order to support the implementation of reforms undertaken at the initiative of Member States, reforms in the context of economic governance processes, in particular those effectively addressing the country-specific recommendations or actions related to the implementation of Union law, and reforms in relation to the implementation of economic adjustment programmes. The instrument should also provide technical support for the preparation, amendment, implementation and revision of recovery and resilience plans pursuant to Regulation (EU) 2021/241.
- (15) In line with the rules and practice already existing under the Structural Reform Support Programme, a light process for the submission of requests for technical support should be established. For that reason, requests by Member States should be submitted by 31 October unless otherwise specified in the additional dedicated calls for requests. Respecting the overarching principle of equal treatment, sound financial management and transparency, appropriate criteria for the analysis of the requests submitted by Member States should be laid down. Those criteria should be based on the urgency, severity and extent of the problems, as well as on the support needs identified in respect of the policy areas where technical support is envisaged. The Commission should organise additional dedicated calls in response to specific emerging needs of Member States, including, as a matter of priority, for the preparation, amendment, implementation and revision of recovery and resilience plans pursuant to Regulation (EU) 2021/241.
- (16) Member States should be able, before requesting technical support, to consult, where appropriate, relevant stakeholders, such as local and regional authorities, social partners and civil society in accordance with national law and practices.
- (17) The content of the cooperation and support plans detailing the measures for the provision of technical support to Member States should also be specified. To that end, the technical support measures envisaged and the related estimated global financial contribution should take into account the actions and activities financed by Union funds or Union programmes.
- (18) For the purposes of accountability and transparency, and to ensure visibility of the Union action, subject to certain conditions that protect sensitive information, the Commission should transmit the cooperation and support plans simultaneously to the European Parliament and to the Council. The Commission should be able to engage in communication activities. The Commission should publish on its website a list of approved requests for technical support.
- (19) In order to ensure greater transparency as regards technical input to the national decision-making process, the Commission should establish a single online public repository through which it should be able, subject to applicable rules and on the basis of consultation with the Member States concerned, to make available final studies or reports produced as part of eligible actions. In order to protect sensitive and confidential information related to their public interests, Member States should be able to request, where justified, that the Commission not disclose such documents without their prior agreement.
- (20) Provisions on the implementation of the instrument should be laid down, in particular the management modes, the forms of funding for the technical support measures and the content of work programmes, which should be adopted by way of implementing acts. In view of the importance of supporting the efforts of national authorities pursuing and implementing reforms, it is necessary to allow for a co-financing rate for grants of up to 100 % of the eligible costs. To allow for the rapid mobilisation of technical support in case of urgency, provision should be made for the adoption of special measures for a limited period. To that effect, a limited amount of the budget within the work programme of the instrument, not exceeding 30 % of the yearly allocation, should be set aside for special measures.

- (21) In order to ensure the efficient and coherent allocation of funds from the Union budget and to respect the principle of sound financial management, actions under this Regulation should be consistent with and be complementary to ongoing Union programmes. Double funding for the same expenditure should however be avoided. In particular and in order to avoid duplications or overlaps, the Commission and national authorities should ensure, in all stages of the process, effective coordination in order to safeguard consistency, coherence, complementarity and synergy between sources of funding, including the funding of technical assistance.
- (22) Pursuant to paragraphs 22 and 23 of the Interinstitutional Agreement of 13 April 2016 on Better Law-Making <sup>(8)</sup>, the instrument should be evaluated on the basis of information collected in accordance with specific monitoring requirements, while avoiding an administrative burden, in particular on Member States, and overregulation. Those requirements, where appropriate, should include measurable indicators as a basis for evaluating the effects of the instrument on the ground.
- (23) The Commission should provide an annual report simultaneously to the European Parliament and to the Council on the implementation of this Regulation. In addition, an independent mid-term evaluation, looking at the achievement of the objectives of the instrument, the efficiency of the use of its resources and its added value should be carried out. In that context, the European Parliament should be able to invite the Commission to participate in an exchange of views with the competent committee of the European Parliament to discuss the annual report and the implementation of the instrument. An independent *ex post* evaluation should, in addition, deal with the long-term impact of the instrument.
- (24) The work programmes for the implementation of technical support should be established. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Horizontal financial rules adopted by the European Parliament and by the Council on the basis of Article 322 TFEU apply to this Regulation. Those rules are laid down in the Financial Regulation. They determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes and indirect implementation and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU also include a general regime of conditionality for the protection of the Union budget.
- (25) In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council <sup>(9)</sup> and Council Regulations (EC, Euratom) No 2988/95 <sup>(10)</sup>, (Euratom, EC) No 2185/96 <sup>(11)</sup> and (EU) 2017/1939 <sup>(12)</sup>, the financial interests of the Union are to be protected by means of proportionate measures, including measures relating to the prevention, detection, correction and investigation of irregularities, including fraud, to the recovery of funds lost, wrongly paid or incorrectly used, and, where appropriate, to the imposition of administrative penalties. In particular, in accordance with Regulations (Euratom, EC) No 2185/96 and (EU, Euratom) No 883/2013, the European Anti-Fraud Office (OLAF) has the power to carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. The European Public Prosecutor's Office (EPPO) is empowered, in accordance with Regulation (EU) 2017/1939, to investigate and prosecute criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European

<sup>(8)</sup> OJ L 123, 12.5.2016, p. 1.

<sup>(9)</sup> Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

<sup>(10)</sup> Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1).

<sup>(11)</sup> Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

<sup>(12)</sup> Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

Parliament and of the Council <sup>(13)</sup>. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the financial interests of the Union, grant the necessary rights and access to the Commission, OLAF, the Court of Auditors, and, in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939, the EPPO, and ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

- (26) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States, but can rather, by reason of the scale and effects of the proposed action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (27) This Regulation should not affect the continuation or modification of support measures approved by the Commission by 31 December 2020 on the basis of Regulation (EU) 2017/825 or any other Union act applying to that assistance. Measures approved under Regulation (EU) 2017/825 should therefore remain valid. To that effect, a transitional provision should also be laid down.
- (28) In order to allow for the prompt application of the measures provided for in this Regulation, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS REGULATION:

## CHAPTER I

### GENERAL PROVISIONS

#### Article 1

#### Subject matter

This Regulation establishes a Technical Support Instrument (the ‘instrument’).

It lays down the general objective and specific objectives of the instrument, the budget of the instrument for the period from 1 January 2021 to 31 December 2027, the forms of Union funding and the rules for providing such funding.

#### Article 2

#### Definitions

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

- (1) ‘technical support’ means measures that help national authorities to implement institutional, administrative and structural reforms that are sustainable and resilience-enhancing, strengthen economic, social and territorial cohesion and support the public administration in the preparation of sustainable and resilience-enhancing investments;
- (2) ‘national authority’ means one or more public authorities at the level of government, including those at regional and local level, as well as Member State organisations within the meaning of point (42) of Article 2 of the Financial Regulation, cooperating in a spirit of partnership in accordance with the Member States’ institutional and legal framework;

<sup>(13)</sup> Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union’s financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

- (3) 'Union funds' means the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund, the European Maritime, Fisheries and Aquaculture Fund, the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument;
- (4) 'international organisation' means an organisation within the meaning of Article 156 of the Financial Regulation and organisations assimilated to such an organisation pursuant to that Article;
- (5) 'European Semester for economic policy coordination' or 'European Semester' means the process set out in Article 2-a of Council Regulation (EC) No 1466/97 <sup>(14)</sup>;
- (6) 'country-specific recommendations' means the Council recommendations addressed to each Member State in accordance with Articles 121(2) and 148(4) TFEU in the context of the European Semester.

### *Article 3*

#### **General objective**

The general objective of the instrument shall be to promote the Union's economic, social and territorial cohesion by supporting Member States' efforts to implement reforms. This is necessary to encourage investment, to increase competitiveness and to achieve sustainable economic and social convergence, resilience and recovery. This is also necessary to support Member States' efforts to strengthen their institutional and administrative capacity, including at regional and local level, to facilitate socially inclusive, green and digital transitions, to effectively address the challenges identified in the country-specific recommendations and to implement Union law.

### *Article 4*

#### **Specific objectives**

To achieve the general objective set out in Article 3, the instrument shall have the specific objectives of assisting national authorities in improving their capacity to:

- (a) design, develop and implement reforms;
- (b) prepare, amend, implement and revise recovery and resilience plans pursuant to Regulation (EU) 2021/241.

Those specific objectives shall be pursued in close cooperation with the Member States concerned, including through exchange of good practices, processes and methodologies, stakeholder involvement, where appropriate, and a more effective and efficient human resources management.

### *Article 5*

#### **Scope**

The specific objectives set out in Article 4 shall refer to policy areas related to cohesion, competitiveness, education, productivity, research and innovation, smart, fair, sustainable and inclusive growth, jobs and investment, with specific emphasis on actions that foster the digital and just green transitions, and in particular focus on one or more of the following:

- (a) public financial and asset management, budget process, including green and gender budgeting, macro-fiscal framework, debt and cash management, expenditure and tax policy, tax compliance, revenue administration and customs union, as well as fighting aggressive tax planning, tax fraud, tax evasion and tax avoidance;

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<sup>(14)</sup> Council Regulation (EC) No 1466/97 of 7 July 1997 on the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies (OJ L 209, 2.8.1997, p. 1).

- (b) institutional reform and efficient and service-oriented functioning of public administration and e-government, simplification of rules and procedures, auditing, enhancing capacity to absorb Union funds, promotion of administrative cooperation, effective rule of law, reform of the justice systems, capacity building of competition and antitrust authorities, strengthening of financial supervision and reinforcement of the fight against fraud, corruption and money laundering;
- (c) business environment, including for small and medium-sized enterprises, the self-employed, entrepreneurs and social economy enterprises, the re-industrialisation and relocation of production to the Union, private sector development, product and service markets, public and private investments including into physical and virtual infrastructure, project promoters and nurseries, public participation in enterprises, privatisation processes, trade and foreign direct investment, competition, efficient and transparent public procurement, sustainable sectoral development, and support for research, innovation and digitisation;
- (d) education, life-long learning and training, vocational education and training, youth policies, labour market policies, including social dialogue, for the creation of jobs, increased labour market participation of under-represented groups, up- and re-skilling in particular digital skills, media literacy, active citizenship, active ageing, gender equality, civil protection, border and migration policies, the promotion of social inclusion and the fight against poverty, income inequality and all forms of discrimination;
- (e) accessible, affordable and resilient public healthcare, social security systems, care and welfare, and childcare;
- (f) policies for the mitigation of climate change, the digital and just green transitions, e-government solutions, e-procurement, connectivity, data access and governance, data protection solutions, e-learning, use of Artificial Intelligence based solutions, the environmental pillar of sustainable development and environmental protection, climate action, transport and mobility, promoting the circular economy, energy and resource efficiency and renewable energy sources, achieving energy diversification, tackling energy poverty and ensuring energy security, and for the agricultural sector, soil and biodiversity protection, fisheries and the sustainable development of rural, remote and insular areas;
- (g) financial sector policies and regulation, including financial literacy, financial stability, access to finance and lending to the real economy, in particular for small and medium-sized enterprises, the self-employed and entrepreneurs;
- (h) the production, provision and quality monitoring of data and statistics;
- (i) preparation for membership of the euro area; and
- (j) early detection of and a coordinated response to substantial public health or security risks, as well as ensuring business and service continuity for essential public and private institutions and sectors.

#### *Article 6*

#### **Budget**

1. The financial envelope for the implementation of the instrument for the period from 1 January 2021 to 31 December 2027 shall be EUR 864 000 000 in current prices.
2. The financial envelope for the instrument may also cover expenses pertaining to preparatory, monitoring, control, audit and evaluation activities which are required for the management of the instrument and the achievement of its objectives, in particular studies, meetings of experts, information and communication actions, including corporate communication of the political priorities of the Union, in so far as they are related to the objectives of this Regulation, expenses linked to IT networks focusing on information processing and exchange, including corporate information technology tools, and all other technical and administrative assistance expenses incurred by the Commission for the management of the instrument. Expenses may also cover the costs of other supporting activities such as quality control and monitoring of technical support projects on the ground and the costs of peer counselling and experts for the assessment and implementation of structural reforms.



3. In addition to the financial envelope set out in paragraph 1, resources allocated to Member States under shared management may, at their request, and in accordance with the conditions and the procedure set out in a Regulation 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 and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument, be transferred to the instrument for the purpose of financing clearly identified technical support requests, and transferred back if not committed. Those resources shall be used exclusively for the benefit of the Member State that requested the transfer, including at regional and local level.

#### *Article 7*

### **Payments for additional technical support**

1. In addition to the technical support covered by the budget set out in Article 6, Member States may request additional technical support under the instrument and shall pay for the expenses pertaining to such additional support.
2. The payments made by a Member State on the basis of paragraph 1 of this Article shall constitute external assigned revenue provided by the basic act in accordance with Article 21(5) of the Financial Regulation and shall be used exclusively for the benefit of that Member State.

## **CHAPTER II**

### **TECHNICAL SUPPORT**

#### *Article 8*

### **Eligible actions for technical support**

To pursue the objectives set out in Articles 3 and 4, the instrument shall finance, in particular, the following types of action:

- (a) the provision of expertise related to policy advice, policy change, formulation of strategies and reform roadmaps, as well as to legislative, institutional, structural and administrative reforms;
- (b) the short-term or long-term provision of experts, including resident experts, to perform tasks in specific domains or to carry out operational activities, where necessary with interpretation, translation and cooperation support, administrative assistance and infrastructure and equipment facilities;
- (c) institutional, administrative or sectoral capacity building and related supporting actions at all governance levels, also contributing to the empowerment of civil society, including social partners, as appropriate, in particular:
  - (i) seminars, conferences and workshops, with, where appropriate, stakeholder involvement;
  - (ii) exchanges of best practices, including, where appropriate, working visits to relevant Member States or third countries to enable officials to acquire or increase their expertise or knowledge in relevant matters;
  - (iii) training actions and the development of online or other training modules to support the necessary professional skills and knowledge relating to the relevant reforms;
- (d) the collection of data and statistics, development of common methodologies, including on gender and climate mainstreaming and tracking, and, where appropriate, indicators or benchmarks;
- (e) the organisation of local operational support in areas such as asylum, migration and border control;

- (f) IT capacity building, including expertise related to development, maintenance, operation and quality control of the IT infrastructure and applications needed to implement the relevant reforms, cybersecurity, open source software and hardware solutions, data protection solutions as well as expertise related to programmes geared towards the digitalisation of public services, in particular in services such as healthcare, education or the judiciary;
- (g) the carrying out of studies, including feasibility studies, research, analyses and surveys, evaluations and impact assessments, including gender impact assessments, and the development and publication of guides, reports and educational material;
- (h) the establishment and execution of communication projects and strategies for learning including e-learning, cooperation, awareness raising, dissemination activities and exchange of good practices, organisation of awareness-raising and information campaigns, media campaigns and events, including corporate communication and, where appropriate, communication through social networks or platforms;
- (i) the compilation and publication of materials to disseminate information and the results of technical support provided under the instrument, including through the development, operation and maintenance of systems and tools using information and communication technologies; and
- (j) any other relevant activity in support of the general objective and specific objectives set out in Articles 3 and 4 respectively.

#### Article 9

#### **Request for technical support**

1. Member States wishing to receive technical support under the instrument shall submit a request for technical support to the Commission, identifying the policy areas and the priorities for support within the scope as set out in Article 5. Such requests shall be submitted by 31 October unless otherwise specified in the additional dedicated calls for requests referred to in paragraph 4 of this Article. The Commission may provide guidance on the main elements to be included in the request for technical support.
2. In order for the reforms pursued by Member States to gather wide support and ownership, Member States wishing to receive technical support under the instrument may consult, where appropriate, relevant stakeholders before requesting technical support, in accordance with national law and practices.
3. Member States may submit a request for technical support in circumstances linked to:
  - (a) the implementation of reforms by Member States, undertaken on their own initiative and in accordance with the general objective and specific objectives set out in Articles 3 and 4 respectively;
  - (b) the implementation of growth-sustaining and resilience-enhancing reforms in the context of economic governance processes, in particular the country-specific recommendations issued in the context of the European Semester or actions related to the implementation of Union law;
  - (c) the implementation of economic adjustment programmes for Member States that receive Union financial assistance under existing instruments, in particular in accordance with Regulation (EU) No 472/2013 of the European Parliament and of the Council <sup>(15)</sup> as regards the Member States whose currency is the euro and Council Regulation (EC) No 332/2002 <sup>(16)</sup> as regards Member States whose currency is not the euro;
  - (d) the preparation, amendment and revision of recovery and resilience plans pursuant to Regulation (EU) 2021/241 and the implementation thereof undertaken by Member States.

<sup>(15)</sup> Regulation (EU) No 472/2013 of the European Parliament and of the Council of 21 May 2013 on the strengthening of economic and budgetary surveillance of Member States in the euro area experiencing or threatened with serious difficulties with respect to their financial stability (OJ L 140, 27.5.2013, p. 1).

<sup>(16)</sup> Council Regulation (EC) No 332/2002 of 18 February 2002 establishing a facility providing medium-term financial assistance for Member States' balances of payments (OJ L 53, 23.2.2002, p. 1).

4. The Commission shall organise additional dedicated calls for requests in response to specific emerging needs of Member States, such as for the submission of requests linked to the circumstances referred to in point (d) of paragraph 3.

5. Taking into account the principles of transparency, equal treatment and sound financial management and further to a dialogue with the Member States, including in the context of the European Semester, the Commission shall analyse the request for support referred to in paragraph 1 based on the urgency, breadth and depth of the challenges identified, support needs in respect of the policy areas concerned, analysis of socioeconomic indicators and institutional and general administrative capacity of the Member States concerned.

Based on that analysis and taking into account the existing actions and measures financed by Union funds or other Union programmes, the Commission and the Member States concerned shall agree on the priority areas for support, the objectives, an indicative timeline, the scope of the support measures to be provided and the estimated global financial contribution for such technical support, which shall be set out in a cooperation and support plan (the 'cooperation and support plan').

6. The cooperation and support plan shall identify, separately from other technical support, the measures linked to the recovery and resilience plans for Member States pursuant to Regulation (EU) 2021/241.

#### *Article 10*

### **Information to the European Parliament and to the Council and communication regarding cooperation and support plans**

1. The Commission shall transmit, with the consent of the Member State concerned, the cooperation and support plan simultaneously to the European Parliament and to the Council without undue delay. The Member State concerned may refuse to give such consent in the case of sensitive or confidential information the disclosure of which would jeopardise public interests of the Member State.

2. Notwithstanding paragraph 1, the Commission shall transmit the cooperation and support plan to the European Parliament and to the Council:

- (a) as soon as the Member State concerned has redacted all sensitive or confidential information, the disclosure of which would jeopardise the public interests of the Member State;
- (b) after a reasonable period, when the disclosure of relevant information would not adversely affect the implementation of the support measures, and in any case no later than two months after the implementation of such measures under the cooperation and support plan.

3. The Commission may engage in communication activities to ensure the visibility of Union funding for support measures envisaged in the cooperation and support plans, including through joint communication activities with the national authorities and the representation offices of the European Parliament and of the Commission in the Member State concerned. The Commission shall publish on its website a list of approved requests for technical support and shall regularly update that list. The Commission shall regularly inform the representation offices of the European Parliament and of the Commission of projects in the Member States concerned.

#### *Article 11*

### **Complementary funding**

Actions financed under the instrument may receive support from other Union programmes, instruments or funds under the Union budget provided that such support does not cover the same costs.

*Article 12***Implementation of the instrument**

1. The Commission shall implement the instrument in accordance with the Financial Regulation.
2. The measures under the instrument may be implemented either directly by the Commission or, indirectly, by persons or entities in accordance with Article 62(1) of the Financial Regulation. In particular, Union support for actions pursuant to Article 8 of this Regulation shall take the form of:
  - (a) grants;
  - (b) public procurement contracts;
  - (c) reimbursement of costs incurred by external experts, including experts from the national, regional or local authorities of Member States providing or receiving support;
  - (d) contributions to trust funds set up by international organisations; and
  - (e) actions carried out through indirect management.
3. Grants may be awarded to the national authorities, the European Investment Bank group, international organisations, public or private bodies and entities legally established in:
  - (a) Member States;
  - (b) European Free Trade Association countries which are party to the European Economic Area Agreement, in accordance with the conditions laid down therein.

The co-financing rate for grants shall be up to 100 % of the eligible costs.

4. Technical support may be provided with the cooperation of other Member State entities and international organisations.
5. Technical support may also be provided by individual experts, who may be invited to contribute to selected activities organised wherever that is necessary for the achievement of the specific objectives set out in Article 4.
6. In order to implement the technical support, the Commission shall adopt work programmes by way of implementing acts and inform the European Parliament and the Council thereof.

Work programmes shall set out:

- (a) the allocation for the instrument;
  - (b) the measures referred to in paragraph 2 of this Article, in accordance with the general objective and specific objectives referred to in Articles 3 and 4 of this Regulation, respectively, and within the scope referred to in Article 5 and eligible actions set out in Article 8 of this Regulation; and
  - (c) the selection and award criteria for grants and all the elements required by the Financial Regulation.
7. To ensure the timely availability of resources, a limited part of the work programme, not exceeding 30 % of the yearly allocation, shall be reserved for special measures in the event of unforeseen and duly justified grounds of urgency requiring an immediate response, including a serious disturbance in the economy or significant circumstances seriously affecting the economic, social or health conditions pertaining in a Member State and going beyond its control.

The Commission may, on request from a Member State wishing to receive technical support, adopt special measures in accordance with the objectives and actions set out in this Regulation to provide technical support to national authorities in addressing urgent needs. Such special measures shall be interim in nature and shall be linked to the circumstances laid down in Article 9(3). Such special measures shall end within six months of their adoption and may be replaced by technical support in accordance with the conditions set out in Article 9.

**CHAPTER III****COMPLEMENTARITY, MONITORING AND EVALUATION***Article 13***Coordination and complementarity**

1. The Commission and the Member States concerned shall, commensurate to their respective responsibilities, foster synergies and ensure effective coordination between the instrument and other Union programmes and instruments, and in particular with measures financed by the Union funds. For that purpose, they shall:
  - (a) ensure complementarity, synergy, coherence and consistency among different instruments at Union, national and, where appropriate, regional and local level, in particular in relation to measures financed by Union funds, both in the planning phase and during implementation;
  - (b) optimise mechanisms for coordination in order to avoid duplication of effort or overlaps;
  - (c) ensure close cooperation between those responsible for implementation at Union, national and, where appropriate, regional and local level to deliver coherent and streamlined support actions under the instrument.
2. The Commission shall endeavour to ensure complementarity and synergies with support provided by other relevant international organisations.

*Article 14***Monitoring of implementation**

1. The Commission shall monitor the implementation of the instrument and measure the achievement of the general objective and specific objectives set out in Articles 3 and 4 respectively, including by making use of the cooperation and support plans. Indicators to be used for reporting on progress and for the purpose of monitoring and evaluation of this Regulation towards the achievement of the general objective and specific objectives are set in the Annex. The monitoring of implementation shall be targeted and proportionate to the activities carried out under the instrument.
2. The performance reporting system shall ensure that data for monitoring the implementation of the instrument and results are collected in an efficient, effective and timely manner and, where relevant and feasible, in a gender-disaggregated form. To that end, proportionate reporting requirements shall be imposed on recipients of Union funding.

*Article 15***Annual report**

1. The Commission shall provide an annual report simultaneously to the European Parliament and to the Council on the implementation of this Regulation (the 'annual report').
2. The annual report shall include information on:
  - (a) requests for support submitted by Member States pursuant to Article 9(1);
  - (b) the analysis of the application of the criteria referred to in Article 9(3), used to analyse the requests for support submitted by Member States;
  - (c) cooperation and support plans as referred to in Article 9(5);
  - (d) special measures adopted pursuant to Article 12(7);
  - (e) the implementation of support measures, where appropriate also at national and regional level; and
  - (f) the communication activities carried out by the Commission.

3. The European Parliament may invite the Commission to participate in an exchange of views with the competent committee of the European Parliament to discuss the annual report and the implementation of the instrument.

#### Article 16

### Mid-term evaluation and ex post evaluation

1. By 20 February 2025, the Commission shall provide simultaneously to the European Parliament and the Council, as well as to the European Economic and Social Committee and the Committee of the Regions, an independent mid-term evaluation report on the implementation of this Regulation. That report shall, in particular, assess the extent to which the general objective and specific objectives referred to in Articles 3 and 4, respectively, have been achieved, the adequacy and the efficiency of the use of resources and the European added value. It shall also consider the continued relevance of all objectives and actions. Where appropriate, the results of the mid-term evaluation report may be used for any relevant legislative proposals.

2. By 31 December 2030, the Commission shall provide simultaneously to the European Parliament and the Council, as well as to the European Economic and Social Committee and the Committee of the Regions, an independent *ex post* evaluation report. That report shall consist of a global assessment of the implementation of this Regulation and shall include information on the impact of this Regulation in the long-term.

#### Article 17

### Transparency

The Commission shall establish a single online public repository through which it may, subject to applicable rules and on the basis of consultation with the Member States concerned, make available final studies or reports produced as part of eligible actions set out in Article 8. Where justified, the Member States concerned may request that the Commission not disclose such documents without their prior agreement.

## CHAPTER IV

### TRANSITIONAL AND FINAL PROVISIONS

#### Article 18

### Information, communication and publicity

1. The recipients of Union funding shall acknowledge the origin of those funds and ensure the visibility of the Union funding, in particular when promoting the actions and their results, by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public.

2. The Commission shall implement information and communication actions relating to the instrument, to actions taken pursuant to the instrument and to the results obtained, including, where appropriate and with the agreement of the national authorities, through joint communication activities with the national authorities and the representation offices of the European Parliament and of the Commission in the Member State concerned.

#### Article 19

### Transitional provisions

1. Technical support actions and activities initiated on or before 31 December 2020 pursuant to Regulation (EU) 2017/825 shall continue to be governed by that Regulation until their completion.

2. The financial envelope set out in Article 6(1) of this Regulation may also cover technical and administrative assistance expenses, including monitoring, communication and evaluation required pursuant to Regulation (EU) 2017/825 and not completed by 31 December 2020.

3. If necessary, appropriations may be entered in the budget beyond 2020 to cover the expenses provided for in Article 6(2) of this Regulation relating to the management of actions and activities initiated under Regulation (EU) 2017/825 and not completed by 31 December 2020.

*Article 20*

**Entry into force**

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 10 February 2021.

*For the European Parliament*  
*The President*  
D. M. SASSOLI

*For the Council*  
*The President*  
A. P. ZACARIAS

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## ANNEX

## INDICATORS

The achievement of the general objective and specific objectives referred to in Articles 3 and 4, respectively, shall be measured on the basis of the following indicators to be broken down by Member State and by area of intervention.

Indicators shall be used in accordance with data and information available, including quantitative and/or qualitative data.

## Output indicators

- (a) number of cooperation and support plans concluded
- (b) number of technical support activities carried out
- (c) deliverables provided by the technical support activities such as action plans, roadmaps, guidelines, handbooks and recommendations

## Result indicators

- (d) outcomes of the technical support activities provided, such as the adoption of a strategy, the adoption of a new law/act or the modification of an existing one and the adoption of new procedures and actions to enhance the implementation of reforms

## Impact indicators

- (e) the objectives set in the cooperation and support plans which have been achieved due, inter alia, to the technical support received

The Commission shall also carry out the *ex post* evaluation referred to in Article 16 with the purpose of establishing the links between the technical support provided and the implementation of the relevant measures in the Member State concerned with a view to enhancing resilience, sustainable growth, jobs and cohesion.

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