



Interreg
Latvija-Lietuva

European Regional Development Fund



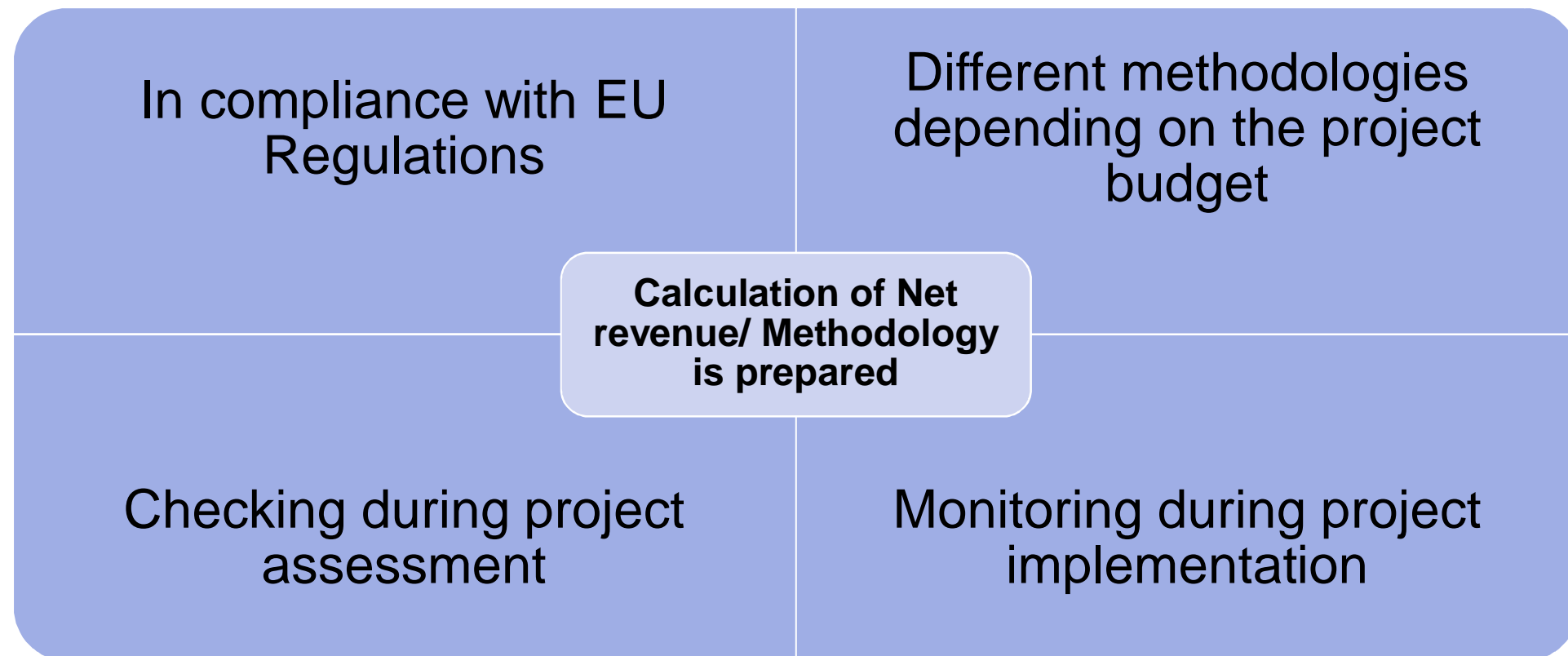
Programme Monitoring and Reporting

CBC LV-LT Programme experience

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How to identify State aid?

Most challenging criteria to assess: (potential) distorting effect on competition and trade within the EU

Consultations EU level state experts

Conclusion: Existence of distortion of competition for small CBC Programmes is rare. Assessment - case by case

Challenges (3)

Definition on Common provision Regulation:

any breach of Union law, or of national law relating to its application, resulting from an act or omission by an economic operator involved in the implementation of the ESI Funds, which has, or would have, the effect of prejudicing the budget of the Union by charging an unjustified item of expenditure to the budget of the Union

Explanation in OLAF manual (page 15)

An irregularity does not need to have resulted in ineligible expenditure being declared by the Member State to the Commission as eligible. Even if it is detected before related expenditure is declared to the Commission as eligible, it is an irregularity, since it 'would have' prejudiced the EU budget if it had not been detected

Irregularity?

OLAF Manual foresees different practice than used before in ETC Programmes

Question remains open: When ineligible expenditure is «irregularity» and Article 143 of CPR applies?

Recoveries

Article 27 of ETC Regulation 1299/2013 «The managing authority shall ensure that any amount paid as a result of an irregularity is recovered from the lead or sole beneficiary. Beneficiaries shall repay to the lead beneficiary»

What are the preconditions (actions taken by the MA, duration of unsuccessful recovery measures etc.) that have to be fulfilled to claim/ receive repayment from the member states to the MA? How to interpret «MA shall ensure»?

How to proof inability of the beneficiary to repay to lead beneficiary or of the lead beneficiary to the MA and/ or how to proof the inability of the MA to recover from the LP?

Thank you!
Any questions?

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