



Questions and Answers

QA00294 - Measures applied by the managing authority -communication rules -
Interreg

Disclaimer: This file includes answers to Member States' questions on the provisions relevant to the Funds covered by the CPR. The answers in this file express the view of the Commission services and do not commit the European Commission. Only the Court of Justice of the European Union is competent to authoritatively interpret Union law.

- i** *Relevant Article:* Article 36 of the Regulation (EU) 2021/1059 (Interreg Regulation)
- i** *Member State:* N/A

Question 1 (including any relevant facts and information):

According to Article 36(6) of the Interreg Regulation, the managing authority shall apply measures by cancelling up to 2% of the support from the funds in case a partner of an Interreg operation or a final recipient has not taken remedial actions to respect the transparency and communication provisions.

1. When should the MA apply a financial correction and how can it decide on the correction to be applied?
2. To what is the correction applied? Should it be applied to the budget of the partner concerned or it can be applied to a specific invoice, action? What happens if the MA uses simplified cost options to reimburse the project partner?
3. Can the correction be applied multiple times?

Answer:

1. According to Article 36(6) of the Interreg Regulation, where remedial actions have not been put into place, the managing authority is required to apply measures, taking into account the principle of proportionality, by cancelling up to 2 % of the support from the funds to the beneficiary who does not comply with Article 47 of Regulation (EU) 2021/1060 or Article 36(4) and (5) of the

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Interreg Regulation, or to the final recipient who does not comply with Article 36(5) of the Interreg Regulation. Before applying the above-mentioned measures, the managing authority is required to allow the beneficiary / final recipient to put into place remedial actions. The decision on the measures to be applied in each case must be based on the managing authority's assessment following its own procedure and taking into account the principle of proportionality.

2. The cancellation of up to 2 % is to be applied to the support from the funds of the operation attributable to the beneficiary / final recipient who is not complying with Article 47 of Regulation (EU) 2021/1060 or Article 36(4) and (5) of the Interreg Regulation. This is regardless of the forms of reimbursement (real costs or simplified cost options). The cancellation can be applied to the support from the funds awarded to the beneficiary / final recipient or to the support of the funds on the basis of a payment claim.
3. The measures provided in Article 36(6) of the Interreg Regulation can be applied by the managing authority once or multiple times; the only legal restriction in this regard is that they cannot exceed 2 % of the support from the funds.

(NB. The question as well as the answer is applicable to operations within the scope of the Interreg Regulation. Operations implemented under the Investment for jobs and growth goal should comply with Article 50(3) of the CPR.)