



Brussels, 11.12.2023
C(2023) 8853 final

COMMISSION IMPLEMENTING DECISION

of 11.12.2023

amending Implementing Decision C(2014) 10232 approving certain elements of the operational programme “Transport and Transport Infrastructure” for support from the European Regional Development Fund and the Cohesion Fund under the Investment for growth and jobs goal in Bulgaria

CCI 2014BG16M1OP001

(ONLY THE ENGLISH TEXT IS AUTHENTIC)

COMMISSION IMPLEMENTING DECISION

of 11.12.2023

amending Implementing Decision C(2014) 10232 approving certain elements of the operational programme “Transport and Transport Infrastructure” for support from the European Regional Development Fund and the Cohesion Fund under the Investment for growth and jobs goal in Bulgaria

CCI 2014BG16M1OP001

(ONLY THE ENGLISH TEXT IS AUTHENTIC)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006¹, and in particular Article 96(10) thereof,

Whereas:

- (1) By Commission Implementing Decision C(2014) 10232, as last amended by Commission Implementing Decision C(2022) 2852, certain elements of the operational programme “Transport and Transport Infrastructure” for support from the European Regional Development Fund (‘ERDF’) and the Cohesion Fund under the Investment for growth and jobs goal in Bulgaria were approved.
- (2) On 21 July 2023 Bulgaria submitted, through the electronic data exchange system of the Commission, a request for an amendment to this operational programme. The request was accompanied by a revised operational programme, in which Bulgaria proposed an amendment to the elements of the operational programme referred to in points (a), (b)(i) to (vi), c(iv) and (v), and (d)(ii) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013, all subject to Implementing Decision C(2014) 10232.
- (3) The amendment to the operational programme consists, firstly, in the transfer of part of the Cohesion Fund resources from priority axes 1 “Development of railway infrastructure along the “core” and “comprehensive” TEN-T” and 2 “Development of road infrastructure along the “core” and “comprehensive” Trans-European transport network”, and part of the ERDF resources from priority axes 3 “Improvement of intermodal transport services for passengers and freights and development of sustainable urban transport” and 5 “Technical Assistance” to the new priority axis 6 “Support to SMEs through the SAFE Instrument” dedicated to operations strictly

¹ OJ L 347, 20.12.2013, p. 320.

necessary to address the energy crisis resulting from the impact of Russia's war of aggression against Ukraine and supporting the financing of working capital in the form of grants to SMEs particularly affected by energy price increases in accordance with Article 25b(1) of Regulation (EU) No 1303/2013, and in adding new actions and beneficiaries, resulting from the aforementioned redistribution of resources.

- (4) The amendment to the operational programme consists, secondly, in reducing the scope of projects under priority axis 1 "Development of railway infrastructure along the "core" and "comprehensive" TEN-T" and extension of activities and inclusion of new projects under priority axes 1, 2 and 4 "Innovations in management and services – establishment of modern infrastructure for traffic management and transport safety improvement".
- (5) The amendment concerns, finally, in the adjustment of the target values for programme indicators resulting from the above modifications.
- (6) In accordance with Article 30(1) and with Article 25b(4) of Regulation (EU) No 1303/2013, the request for the amendment to the operational programme is duly justified by the need to address the energy crisis resulting from the impact of Russia's war of aggression against Ukraine and to respond to delays in the implementation of the phased projects. The respective programme indicators are also modified to reflect the mentioned changes. The request for the amendment to the operational programme sets out the expected impact of the changes to the programme on achieving the Union's strategy for smart, sustainable and inclusive growth and the specific objectives defined in the programme, taking account of Regulation (EU) No 1303/2013 and Regulations (EU) No 1300/2013² and (EU) No 1301/2013³ of the European Parliament and of the Council, as well as of the horizontal principles referred to in Articles 5, 7 and 8 of Regulation (EU) No 1303/2013.
- (7) In accordance with point (e) of Article 110(2) of Regulation (EU) No 1303/2013, the monitoring committee by written procedure on 19 September 2023 examined and approved the proposal for the amendment to the operational programme, taking into account the text of the revised operational programme and its financing plan.
- (8) The Commission assessed the revised operational programme and made observations pursuant to the second sentence of the first subparagraph of Article 30(2) of Regulation (EU) No 1303/2013 on 25 August 2023 and on 10 November 2023. Bulgaria provided supplementary information and submitted a modified version of the revised operational programme on 10 November 2023.
- (9) The amended elements of the revised operational programme subject to the Commission's approval under Article 96(10) of Regulation (EU) No 1303/2013 should therefore be approved.
- (10) For reasons of clarity, it is appropriate to indicate the date as of which expenditure that is not related to operations addressing the energy crisis resulting from the impact of Russia's war of aggression against Ukraine but becomes eligible as a result of the amendment to the operational programme is to be eligible in accordance with Article 65(9) of Regulation (EU) No 1303/2013.

² Regulation (EU) No 1300/2013 of the European Parliament and of the Council of 17 December 2013 on the Cohesion Fund and repealing Council Regulation (EC) No 1084/2006 (OJ L 347, 20.12.2013, p. 281).

³ Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013 on the European Regional Development Fund and on specific provisions concerning the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006 (OJ L 347, 20.12.2013, p. 289).

(11) Implementing Decision C(2014) 10232 should therefore be amended accordingly,
HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision C(2014) 10232 is amended as follows:

1. in Article 1, the introductory sentence is replaced by the following:
“The following elements of the operational programme “Transport and Transport Infrastructure” for joint support from the ERDF and the Cohesion Fund under the Investment for growth and jobs goal in Bulgaria for the period from 1 January 2014 to 31 December 2020, submitted in its final version on 4 December 2014, as last amended by the revised operational programme submitted in its final version on 10 November 2023, are hereby approved.”;
2. Article 2 is replaced by the following:

“Article 2

The following priority axes shall be supported by the operational programme:

- (a) Priority axis 1 “Development of railway infrastructure along the ‘core’ TEN-T” from the Cohesion Fund;
 - (b) Priority axis 2 “Development of road infrastructure along the ‘core’ and ‘comprehensive’ TEN-T” from the Cohesion Fund;
 - (c) Priority axis 3 “Improvement of intermodal transport services for passengers and freights and development of sustainable urban transport” from the ERDF;
 - (d) Priority axis 4 “Innovations in management and services - establishment of modern infrastructure for traffic management and transport safety improvement” from the ERDF;
 - (e) Priority axis 5 “Technical Assistance” from the ERDF
 - (f) Priority axis 6 “Support to SMEs through the SAFE Instrument” from the Cohesion Fund.”;
3. Annex II is replaced by the text set out in the Annex to this Decision.

Article 2

Expenditure that is not related to operations addressing the energy crisis resulting from the impact of Russia’s war of aggression against Ukraine but becomes eligible as a result of the amendment to the operational programme “Transport and Transport Infrastructure” approved by this Decision is eligible from 21 July 2023.

Article 3

This Decision is addressed to the Republic of Bulgaria.

Done at Brussels, 11.12.2023

For the Commission

Elisa FERREIRA

Member of the Commission

