EUROPEAN
COMMISSION

Brussels, 23.11.2023
C(2023) 8151 final

COMMISSION IMPLEMENTING DECISION

of 23.11.2023

amending Implementing Decision C(2015) 4138 approving certain elements of the operational programme "Regions In Growth" for support from the European Regional Development Fund under the Investment for growth and jobs goal Bulgaria

CCI 2014BG16RFOP001

(ONLY THE ENGLISH TEXT IS AUTHENTIC)

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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 1083/2006[1], and in particular Article 96(10) thereof,

Whereas:

(1) By Commission Implementing Decision C(2015) 4138, as last amended by Commission Implementing Decision C(2023) 1607, certain elements of the operational programme "Regions in Growth" for support from the European Regional Development Fund ('ERDF') under the Investment for growth and jobs goal in Bulgaria were approved.

(2) On 30 September 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 (v) and (d)(ii) of the first subparagraph of Article 96(2) of Regulation (EU) No 1303/2013, all subject to Implementing Decision C(2015) 4138.

(3) The amendment to the operational programme consists firstly, in allocating part of the REACT-EU ERDF resources made available to Bulgaria as external assigned revenues in accordance with Article 3(1) of Council Regulation (EU) 2020/2094[2] from priority axis 9 "Support for the health system to react in situation of crises" to a new priority axis 11"Support to SMEs through the SAFE REACT-EU instrument" dedicated to measures strictly necessary to address the energy crisis resulting from the impact of Russia's war of aggression against Ukraine and supporting the financing of working

[1] OJ L 347, 20.12.2013, p. 320.

[2] Council Regulation (EU) 2020/2094 of 14 December 2020 establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 crisis (OJ L 433I, 22.12.2020, p. 23).

capital in the form of grants to SMEs particularly affected by energy price increase in accordance with Article 25b(1) of Regulation (EU) No 1303/2013.

(4) The amendment to the operational programme consists, in addition, in the transfer of part of the ERDF resources from priority axes 1 "Sustainable and integrated urban development", 2 "Support for energy efficiency in support centres in peripheral regions", and 4 "Regional health infrastructure" to the new priority axis 10 "Support for SMESs through the SAFE instrument" dedicated to operations strictly 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.

(5) The amendment to the operational programme consists, furthermore, in allocating part of ERDF resources from priority axes 3 "Regional educational infrastructure", 4, 5 "Regional social infrastructure" and 6 "Regional tourism" to priority axis 7 "Regional Road infrastructure" to support a pilot initiative for connectivity in the South-Eastern region; and from priority axes 1 and 6 to priority axis 8 "Technical assistance" to cover the overcontracting of capacity building for municipalities and additional operational needs of the Managing Authority.

(6) The amendment to the operational programme consists, finally, in the introduction of accompanying indicators for priority axes 10 and 11, adjustment of the target values for relevant indicators under priority axes 1 to 7 and 9, and the introduction of the new partners to the beneficiary within priority axis 7.

(7) In accordance with Article 30(1), with the sixth subparagraph of Article 92b(9) 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 quickly deploy the REACT-EU resources for crisis repair in the context of the COVID-19 pandemic and its social consequences and to prepare a green, digital and resilient recovery of the economy within the current programming period and the need to address the energy crisis resulting from the impact of Russia's war of aggression against Ukraine. The request for the amendment to the operational programme is furthermore duly justified by the need to adress the conectivity issues at the border between Bulgaria and Türkiye, to cover the overcontracting of expenditure under technical assistance as well as new operational expenses to improve the work environment of the staff of the managing authority. The request for the amendment to the operational programme sets out the expected impact of the changes to the programme on fostering crisis repair in the context of the COVID-19 pandemic and its social consequences and preparing a green, digital and resilient recovery of the economy in accordance with the second subparagraph of Article 92b(8) of Regulation (EU) No 1303/2013. The request is consistent with Regulation (EU) No 1303/2013 and Regulation (EU) No 1301/2013 of the European Parliament and of the Council[3] as well as with the horizontal principles referred to in Articles 5, 7 and 8 of Regulation (EU) No 1303/2013.

(8) In accordance with point (e) of Article 110(2) of Regulation (EU) No 1303/2013, the monitoring committee by written procedure on 30 August 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.

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[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).

(9) The Commission assessed the revised operational programme and did not make observations pursuant to the second sentence of the first subparagraph of Article 30(2) of Regulation (EU) No 1303/2013. Nevertheless, Bulgaria provided supplementary information and submitted a modified version of the revised operational programme on 13 November 2023.

(10) 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.

(11) Implementing Decision C(2015) 4138 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision C(2015) 4138 is amended as follows:

1. in Article 1, the introductory sentence is replaced by the following:

"The following elements of the operational programme "Regions in Growth" for support from the ERDF under the Investment for growth and jobs goal in Bulgaria for the period from 1 January 2014 to 31 December 2020 and benefitting from the REACT-EU resources for 2021 and 2022, submitted in its final version on 9 June 2015, as last amended by the revised operational programme submitted in its final version on 13 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 "Sustainable and integrated urban development" from the ERDF;

(b) Priority axis 2 "Support for energy efficiency in support centres in peripheral regions" from the ERDF;

(c) Priority axis 3 "Regional educational infrastructure" from the ERDF;

(d) Priority axis 4 "Regional health infrastructure" from the ERDF;

(e) Priority axis 5 "Regional social infrastructure" from the ERDF;

(f) Priority axis 6 "Regional tourism" from the ERDF

(g) Priority axis 7 "Regional road infrastructure" from the ERDF;

(h) Priority axis 8 "Technical assistance" from the ERDF;

(i) Priority axis 9 "Support for the health system to react in situation of crises" from the ERDF REACT-EU;

(j) Priority axis 10 "Support for SMESs through the SAFE instrument" from the ERDF;

(k) Priority axis 11 "Support for SMESs through the REACT-EU SAFE instrument" from the ERDF REACT-EU.";

3. Annex II is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Republic of Bulgaria.

Done at Brussels, 23.11.2023

For the Commission
Elisa FERREIRA
Member of the Commission

CERTIFIED COPY
For the Secretary-General

Martine DEPREZ
Director
Decision-making & Collegiality
EUROPEAN COMMISSION