



Allocation of functions relating to the management and implementation of the operational programme

Schedule of functions of the managing authority for the European Regional Development Fund:

Operational programme covering the regional competitiveness and employment objective for the East Midlands

Council Regulation (EC) No. 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No. 1260/1999

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Section 1: Interpretation and explanatory text

Interpretation of expressions used in this Schedule

1.1 In this Schedule:

“the Audit Authority” means the authority designated by the Secretary of State under Article 59(1)(c) as the audit authority for the Operational Programme;

“the Certifying Authority” means the authority designated by the Secretary of State under Article 59(1)(b) as the certifying authority for the Operational Programme;

“the Commission” means the Commission of the European Communities;

“the Council Regulation” means Council Regulation (EC) No.1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No.1260/1999;

“ERDF” means the European Regional Development Fund¹;

“global grant bodies” means bodies entrusted under Article 42 with the management and implementation of a part of the Operational Programme;

“the Implementing Regulation” means Commission Regulation (EC) No 1828/2006 setting down rules for the implementation of the Council Regulation;

“Intermediate Body” means the body designated by the Secretary of State under Article 59(2) to carry out specified functions of the Managing Authority under the responsibility of the Managing Authority in relation to the management and implementation of the Operational Programme;

“the Managing Authority” means the authority designated by the Secretary of State under Article 59(1)(a) as the managing authority for the Operational Programme;

“operational programme” means a document submitted by the UK and adopted by the Commission setting out a development strategy with a coherent set of priorities to be carried out with the aid of the ERDF;

¹ Article 160 of the Treaty establishing the European Community provides that the European Regional Development Fund is intended to help to redress the main regional imbalances in the Community through participation in the development and structural adjustment of regions whose development is lagging behind and in the conversion of declining industrial regions.

“the Operational Programme” means the operational programme covering the Regional competitiveness and employment objective² for the East Midlands, which was adopted by the Commission on 13 December 2007³;

“the PMC” means the Programme Monitoring Committee;

a reference to an Article is a reference to an Article of the Council Regulation.

The role of the Member State and designation of the Managing Authority

- 1.2 Article 59(2) provides that for each operational programme the Member State may designate one or more intermediate bodies to carry out some or all of the tasks of the Managing Authority under the responsibility of that authority. Functions conferred by the Council Regulation on the Member State are to be exercised for the UK by the Secretary of State.
- 1.3 The Managing Authority is the Secretary of State for Communities and Local Government, whose designation was confirmed by the Commission upon the adoption of the Operational Programme.

Allocation of Managing Authority functions

- 1.4 The functions of the Managing Authority set out in Article 60 provide a suitable framework for allocating the functions of the Managing Authority between the Managing Authority and the Intermediate Body.
- 1.5 In this Schedule, the Secretary of State sets out an allocation of functions to provide a basis for designating an intermediate body for the Operational Programme by statutory instrument (“implementing instrument”). Section 2 sets out functions reserved for performance by the Managing Authority. Section 3 sets out functions of the Intermediate Body to be carried out under the responsibility of the Managing Authority.

Guidance and directions

- 1.6 An allocation of functions as set out in this Schedule will necessitate the issue by the Managing Authority of guidance and directions in relation to the exercise of intermediate body functions. Power to give guidance and directions is to be conferred on the Managing Authority by the implementing instrument, which will be made by the Secretary of State under section 2(2) of the European Communities Act 1972.

² The Fund may contribute towards achieving the three objectives outlined in Article 3(2). The Regional competitiveness and employment objective is aimed at strengthening competitiveness and employment outside the least developed areas of the Community.

³ Commission reference: CCI 2007 UK 162 PO 010. East Midlands ERDF Regional Competitiveness and Employment programme.

1.7 The function of giving guidance and directions is not expressly conferred by the Council Regulation or any other Community legislation, but it is implicit in the power to designate an intermediate body to carry out some of the tasks of a managing authority under the responsibility of that authority. Accordingly, while giving guidance and directions is not expressly reserved in section 1, it is a function of the Managing Authority and may be exercised in relation to any of the functions in section 2.

Section 2: Functions reserved for performance by the Managing Authority

This section of the Schedule specifies the functions of the Managing Authority that are reserved for performance by the Managing Authority. These are functions that can only be carried out by a national authority or on an inter-regional (England only) basis, particularly because the functions involve the co-ordination of matters requiring uniform practice for operational programmes or communication at national level with the Commission.

If any function of the Managing Authority is neither specified in this section of the Schedule nor exercisable by the Intermediate Body according to section 3 of the Schedule, it is exercisable by the Managing Authority.

Article 60 – overarching responsibility

Managing and implementing the Operational Programme in accordance with the principle of sound financial management

Deciding how the partnership organised under Article 11(1) shall work with the Intermediate Body and the PMC, having regard to the tasks conferred on the PMC by Article 65.

Deciding issues arising in relation to the discharge of any of the Managing Authority functions exercisable by the Intermediate Body.

Deciding matters of cross-cutting interest or significance and matters that are unusual or contentious.

Considering the significance of legal advice obtained by the Intermediate Body at any stage of the grant funding process.

Liaising with the intermediate bodies designated for other operational programmes about matters for which legal advice has been obtained by the Intermediate Body.

Deciding issues where there is disagreement among intermediate bodies and the matters concerned are of cross-cutting interest or significance or are unusual or contentious.

Article 60(a)

Ensuring that operations are selected for funding in accordance with the criteria applicable to the operational programme and that they comply with applicable Community and national rules for the whole of their implementation period

Deciding in broad terms the nature and scope of the criteria and processes for the selection and appraisal of projects.

Approving projects referred for approval by the PMC under criteria agreed with the Intermediate Body at the beginning of the programme.

Deciding issues relating to the regulatory requirements of the ERDF, including match-funding; the eligibility of expenditure; and monitoring checks.

Determining national rules relating to the eligibility of ERDF expenditure.

Deciding State aid issues referred by the Intermediate Body in cases of doubt.

Deciding in cases of doubt whether or not financial assistance may be granted without notification to the Commission under Article 88 of the EU Treaty.

Preparing and revising in consultation with the Intermediate Body the standard terms on which ERDF grant is to be offered.

Article 60(b)

Verifying that the co-financed products and services are delivered and that the expenditure declared by the beneficiaries for operations has actually been incurred and complies with Community and National rules; verifications on-the-spot of individual operations may be carried out on a sample basis in accordance with the detailed rules to be adopted by the Commission in accordance with the procedures referred to in Article 103(3)

Providing written standards and procedures for verifications undertaken by the Intermediate Body in compliance with Article 13 of the Implementing Regulation, and obtaining assurance that the monitoring and verification activities are adequately carried out in accordance with that Regulation.

Article 60(c)

Ensuring that there is a system for recording and storing in computerised form accounting records for each operation under the Operational Programme and that the data on implementation necessary for financial management, monitoring, verifications, audits and evaluation are collected

Developing and maintaining appropriate systems for electronic recording and data storage to support the performance of the reserved functions, in particular:

- providing information to the Commission and the Secretary of State.
- requesting and receiving information from the Intermediate Body.
- supporting the efficient and effective management of the Operational Programme by the Intermediate Body.

Approving the records system drawn up by the Intermediate Body for supporting its management of the Operational Programme and the provision of information.

Ensuring that the Managing Authority's system for electronic recording and data storage facilitate the efficient exchange of data by electronic means between the Managing Authority, the Intermediate Body and the Commission.

Ensuring that the Intermediate Body's system for electronic recording and data storage facilitate the efficient exchange of data by electronic means between the Intermediate Body, the Managing Authority and the Commission.

Ensuring that its own system is in place and that the Intermediate Body's system is approved before to the first interim application for payment is due to be made by the Certifying Authority under Article 61.

Article 60(d)

Ensuring that beneficiaries and other bodies involved in the implementation of operations maintain either a separate accounting system or an adequate accounting code for all transactions relating to the operation without prejudice to national accounting rules

Deciding the requirements for maintaining a separate system of accounting for project expenditure (to be incorporated within standard terms on which ERDF grant is to be offered).

Article 60(e)

Ensuring that the evaluations of operational programmes referred to in Article 48(3) are carried out in accordance with Article 47

Deciding in broad terms the required contents and structure of the plan for the on-going evaluation of the Operational Programme and an indicative timetable for evaluation.

Deciding in broad terms how monitoring of the Operational Programme should be conducted.

Considering the contents and quality of evaluation reports with a view to deciding:

- whether monitoring has revealed a significant departure from progress needed to meet targets or other goals set out in the Operational Programme.
- the merits of a re-examination of the Operational Programme with a view to possible revision at the initiative of the Secretary of State.
- whether the quality of reports needs to be improved and, if it does, what changes need to be made to ensure that the conduct of evaluations and the preparation of reports meet acceptable standards.

Approving evaluation reports and any proposals for implementing recommendations by way of a revision of the Operational Programme; clearing such reports and proposals for submission by the Intermediate Body to the Commission.

Article 60(f)

Setting up procedures to ensure that all documents regarding expenditure and audits required to ensure an adequate audit trail are held in accordance with the requirements of Article 90

Approving procedures, drawn up by the Intermediate Body, designed to ensure that all relevant documents are held in accordance with the requirements of Article 90.

Article 60(g)

Ensuring that the certifying authority receives all necessary information on the procedures and verifications carried out in relation to expenditure for the purpose of certification

Receiving and checking copies of declarations of expenditure of ERDF grant and supporting information submitted by the Intermediate Body to the Certifying Authority.

Article 60(i)

Drawing up and submitting to the Commission the annual and final reports on implementation after approval by the PMC

Examining the annual implementation reports and the final implementation report for the Operational Programme submitted by the Intermediate Body for examination and approval; notifying the Intermediate Body of any issues arising from such examination; considering such issues with the Intermediate Body and the PMC.

Approving the annual implementation reports for the Operational Programme; sending the final version of each one to the Commission within six months of the end of the calendar year to which it relates.

Approving the final implementation report for the Operational Programme; sending the final version to the Commission by 31 March 2017.

Considering the scope, focus and direction of the examination undertaken by the Intermediate Body with the Commission, as referred to in Article 68(1), of progress made in implementing the Operational Programme and other factors with a view to improving the implementation of the programme.

Considering the action that has been or is to be taken in response to any comments made by the Commission under Article 68(2); notifying the Secretary of State, who is responsible for informing the Commission of the action taken in response to its comments.

Article 60(j)

Ensuring compliance with the information and publicity requirements laid down in Article 69

Approving the communication plan for the Operational Programme drawn up by the Intermediate Body in accordance with Article 2 of the Implementing Regulation.

Submitting the communication plan to the Commission within four months of the adoption of the Operational Programme.

Receiving observations of the Commission about the communication plan, notifying the Intermediate Body; submitting a revised communication plan to the Commission within two months of those observations.

Article 60(k)

Providing the Commission with information to allow it to appraise major projects

Informing the Intermediate Body about indicative guidance provided by the Commission on the methodology to be used in carrying out the cost-benefit analysis required by Article 40(e).

Participating in discussions with the Commission and the Intermediate Body about the consistency of a major project with the priorities of the Operational Programme, its contribution to achieving the goals of those priorities, and its consistency with other Community policies.

Participating in discussions with the Commission the Intermediate Body and any outside expert consulted by the Commission about the appraisal of a major project.

Notifying the Intermediate Body of the Commission's decision, which will have been notified to the Secretary of State, whether a financial contribution from the ERDF to a major project may be made.

Section 3: Functions of the Intermediate Body to be carried out under the responsibility of the Managing Authority

This section of the Schedule specifies the functions of the Managing Authority that are to be carried out by the Intermediate Body under the responsibility of the Managing Authority.

Article 60 – overarching responsibility

Managing and implementing the Operational Programme in accordance with the principle of sound financial management

Undertaking the general administration of the Operational Programme and securing the overall effectiveness and efficiency of implementation

Developing and maintaining partnership involvement in the programme implementation process, including the setting up of appropriate consultation or working sub-groups for the purposes of programme implementation at sub-regional and local level.

Overseeing the operation of the project selection process approved by the PMC and assessing its efficiency and effectiveness.

Liaising with the Managing Authority about matters of cross-cutting interest or significance and matters that are adjudged to be unusual or contentious.

Liaising with the Managing Authority about matters requiring legal advice, particularly matters concerning the grant funding process and the enforcement of grant terms and the performance of other functions conferred on the Intermediate Body likely to be of cross-cutting significance for all operational programmes.

Exercising rights and discharging duties of the Managing Authority conferred by or under the terms of any agreement entered into by the Managing Authority under Article 42 for the implementation of part of the Operational Programme as a global grant.

Operating an effective system for electronic recording and data storage to facilitate the efficient exchange of data by electronic means between the Intermediate Bodies, the Managing Authority and the Commission.

Article 60(a):

Ensuring that operations are selected for funding in accordance with the criteria applicable to the operational programme and that they comply with applicable Community and national rules for the whole of their implementation period

Establishing criteria and procedure for the selection of operations, in particular:

Drawing up for approval by the PMC the selection criteria against which applications for ERDF support for operations are to be assessed.

Drawing up for approval by the PMC the criteria governing whether individual projects may be referred by the PMC for approval by the Managing Authority.

Drawing up the project selection process for approval by the PMC and consulting the partnership organised under Article 11(1) about the preparation of the project selection criteria and process.

Drawing up for approval by the PMC guidance for applicants on project selection criteria and process, including advice on the performance indicators to be used as specified in the Operational Programme in accordance with Article 37(1)(c).

Processing grant applications, in particular:

Giving guidance to potential applicants for ERDF support about application procedure and appraisal criteria.

Inviting applications for ERDF support, by competitive bidding or otherwise.

Receiving applications for grant in response to invitations or otherwise.

Negotiating a contribution from the ERDF with project sponsors and other match-funders.

Verifying the eligibility of project applications, including the eligibility of expenditure and outputs and targets against relevant objectives of the Operational Programme.

Ensuring that project specifications are compatible with implementing rules for specified types of project, if relevant, including the rules regulating the form of assistance for financial engineering instruments which are holding funds (*Article 44(2)*), and the rules limiting assistance for revenue-generating projects (*Article 55*).

Operating the project selection process approved by the PMC and selecting projects for support in accordance with agreed criteria.

Drawing up a shortlist for final selection of projects or of a single project for ERDF support; deciding whether or not to offer grant for a project.

Ensuring compatibility with EU law on State aid, environmental protection and public procurement, in particular:

Considering applicants' statements on compatibility with EU requirements relating to State aid, environmental protection and public procurement; determining whether the project and financial support for the project would be compatible with all such laws, including:

- Identifying whether support for a project would involve conferring State aid; recording conclusions with reasons; deciding whether any aid is approved under an approved aid scheme, block exemption or other EC instrument; deciding whether it is necessary to notify a prospective aid to the Commission; notifying the aid if necessary; exploring State aid issues with the grant applicant, the Commission and any other person concerned; consulting the Managing Authority in cases of doubt and referring all particulars to the Managing Authority; observing all reporting requirements in block exemptions.
- Ensuring that the planned impact and outputs and results of a selected project, and all projected expenditure by the grant applicant, are compatible with Community and national legal requirements relating to environmental protection.
- Ensuring that expenditure on the project by the grant applicant is only incurred following suitable competitive tendering, including, where relevant, tendering in compliance with Community and national legal requirements relating to the procurement of works, supplies and services by a public authority.

Offering grant for the support of selected projects, monitoring and holding grant recipients accountable for grant expenditure, in particular:

Determining the level of grant to be offered for each project selected for ERDF support.

Ensuring that all match-funding and other ERDF requirements are satisfied before grant is offered for a project.

Making offers of grant for the support of selected operations, using appropriate standard terms and conditions of funding approved by the Managing Authority; drafting non-standard terms where appropriate; using discretion to fix provisions required to meet particular project circumstances in compliance with guidance and directions issued by the Managing Authority.

Referring specified matters concerning prospective and existing funding agreements to the Managing Authority in compliance with guidance and directions.

Exercising rights and discharging duties of the Managing Authority conferred by or under the terms of grant funding agreements, including:

- Taking all steps laid down for the Intermediate Body in the grant funding agreement (e.g. checking that notices have been given and ensuring that all documentation is in place and all other pre-conditions for payment of grant have been met before processing claims for payment).
- Taking steps to ensure that reports on progress and other information and claims for payment are delivered in accordance with grant terms.
- Enforcing grant terms and holding grant recipients accountable for non-compliance with grant terms or failure to achieve project outputs or results.
- Taking steps to recover grant where a liability to repay grant has arisen, whether by reason of a failure to meet grant terms or an event that triggers a right of the Intermediate Body to claw back grant.
- Determining steps to be taken, including the recovery of grant, in the event that problems or disputes arise during or after the course of implementing a project.

Monitoring progress, including reviewing reports and checking progress against milestones, outputs and other targets agreed for a project.

Checking and processing claims for the payment of grant and ensuring that project expenditure is compatible with the rules on eligibility of ERDF expenditure and national financial requirements.

On final claim for payment, checking the eligibility of all project expenditure and fulfilment of the terms on which grant was given for the project.

Monitoring operations after completion to ensure that an operation does not retain the contribution from the ERDF if it undergoes a substantial modification as described in Article 57(1) within the period specified in Article 57(1) that applies in the case of the UK.

In cases where the Intermediate Body is also a grant beneficiary under the Operational Programme, exercising functions of the Managing Authority suitably adapted for its position as a grant beneficiary and ensuring adequate separation of ERDF functions from functions concerned with the implementation of the selected operation.

Article 60(b)

Verifying that the co-financed products and services are delivered and that the expenditure declared by the beneficiaries for operations has actually been incurred and complies with Community and National rules; verifications on-the-spot of individual operations may be carried out on a sample basis in accordance with the detailed rules to be adopted by the Commission in accordance with the procedures referred to in Article 103(3)

Verifying the delivery and eligibility of operations, in particular:

The functions specified in Article 13 of the Implementing Regulation.

Article 60(c)

Ensuring that there is a system for recording and storing in computerised form accounting records for each operation under the Operational Programme and that the data on implementation necessary for financial management, monitoring, verifications, audits and evaluation are collected

Electronically recording and storing data on ERDF operations, in particular:

Drawing up for approval by the Managing Authority and maintaining and operating a records system to support the efficient and effective management of the Operational Programme and the provision of information to the Commission, the Managing Authority, the Certifying Authority and the Audit Authority.

Keeping accounting records and a record of data and expenditure declared on operations, including the information set out in Annex III to the Implementing Regulation.

Meeting any request made by the Managing Authority, the Certifying Authority or the Audit Authority for the provision of information about the Operational Programme.

Supplying to the Managing Authority such information as the Secretary of State may at any time need to enable the UK meet a written request of the Commission under Article 14(2) of the Implementing Regulation.

Allowing the Managing Authority, the Certifying Authority, the Audit Authority or the bodies referred to in Article 62(3) to have access to information recorded by the approved records system of the Intermediate Body.

Article 60(d)

Ensuring that beneficiaries and other bodies involved in the implementation of operations maintain either a separate accounting system or an adequate accounting code for all transactions relating to the operation without prejudice to national accounting rules

Ensuring that all expenditure of ERDF resources on carrying out projects selected for support by the ERDF is accounted for separately from other expenditure, in particular:

Ensuring that the terms on which grant is offered for selected projects specify requirements for maintaining a separate system of accounting for all project expenditure (generally by adopting appropriate standard terms and conditions), and that the system is capable of accounting for expenditure on all transactions relating to a selected project.

Monitoring compliance by grant beneficiaries with accounting requirements for grant expenditure and other project expenditure; where necessary, taking steps to enforce compliance with such requirements.

In cases where the Intermediate Body is also a grant beneficiary under the Operational Programme, monitoring its own compliance with accounting requirements in recognition of the need for adequate separation of ERDF functions from functions concerned with the implementation of the selected operation.

Article 60(e)

Ensuring that the evaluations of operational programmes referred to in Article 48(3) are carried out in accordance with Article 47

Carrying out evaluations linked to the monitoring of the Operational Programme throughout the period of the programme, in particular:

Evaluating the Operational Programme throughout the period of the programme.

Monitoring progress in achieving the spending and non-financial targets or other goals initially set out in the Operational Programme; arranging suitable evaluations where monitoring reveals a significant departure from progress needed to meet targets or other goals.

Considering with the PMC any grounds for the revision of the Operational Programme under Article 33; considering with the Managing Authority the merits of re-examining the Operational Programme with a view to possible revision at the initiative of the Secretary of State.

Carrying out suitable evaluations where proposals are made for the revision of the Operational Programme under Article 33.

Carrying out all evaluations by means of arrangements for the conduct of evaluation work and the preparation of reports with an organisation that is functionally independent of the Certifying Authority and the Audit Authority.

Ensuring that all evaluations are carried out in accordance with Article 47.

Sending evaluation reports and recommendations to the PMC for examination in accordance with Article 65(c) and to the Managing Authority.

Seeking clearance by the Managing Authority of evaluation reports and proposals for implementing recommendations by way of a revision of the Operational Programme; and, if clearance is given, submitting such reports and proposals as approved to the Commission.

Article 60(f)

Setting up procedures to ensure that all documents regarding expenditure and audits required to ensure an adequate audit trail are held in accordance with the requirements of Article 90

Ensuring that the Managing Authority can demonstrate an adequate audit trail for all expenditure associated with implementing the Operational Programme, in particular:

The functions specified in Article 90, including:

- Identifying the types of document regarding expenditure on the Operational Programme and the auditing of such expenditure that need to be kept to ensure that an adequate audit trail can be demonstrated.
- Ensuring that all relevant documents are kept available:
 - for the relevant period specified in Article 90(1).
 - either in the form of originals or in versions certified to be in conformity with the originals on commonly accepted data carriers.
- Making available a list of completed operations which have been subject to partial closure under Article 88 in order to meet a request by the Commission under Article 90(2).

Drawing up for approval by the Managing Authority procedures designed to ensure that all relevant documents are held in accordance with the requirements of Article 90; ensuring that the procedures are observed by grant beneficiaries, the Intermediate Body itself (where the Intermediate Body is also a grant beneficiary) or other person or body responsible for holding relevant documents.

Article 60(g)

Ensuring that the certifying authority receives all necessary information on the procedures and verifications carried out in relation to expenditure for the purpose of certification

Ensuring that the Certifying Authority is able to fulfil its responsibilities under Article 61, in particular:

Submitting to the Certifying Authority declarations of expenditure of ERDF grant supported by all information required to demonstrate that the expenditure is eligible for support under the rules on eligibility of ERDF expenditure and national financial requirements; supplying a copy of the declarations to the Managing Authority.

Aggregating amounts to be reconciled with the accounting records and other documents held in accordance with the requirements of Article 90; presenting such aggregated amounts to the Certifying Authority together with- other data and information required to enable the Certifying Authority to draw up certified statements of expenditure and applications for payment for the Operational Programme.

By allowing or arranging for the Certifying Authority to have access to refer to documents or by taking other suitable steps, enabling the Certifying Authority to verify:

- payments of grant to grant beneficiaries and global grant bodies.
- the expenditure of grant by grant beneficiaries, the Intermediate Body or global grant bodies.
- that statements of expenditure are accurate, result from reliable accounting systems and are based on verifiable supporting documents.
- that expenditure declared complies with all applicable Community and national rules (including eligibility) and has been incurred for selected operations.
- that operations selected for funding have been selected in accordance with the selection criteria approved for the Operational Programme by the PMC.

Article 60(h)

Guiding the work of the PMC and providing it with the documents required to permit the quality of the implementation of the operational programme to be monitored in the light of its specific goals

Enabling the PMC to satisfy itself as to the effectiveness and quality of the implementation of the Operational Programme, in particular:

Agreeing with the PMC the rules of procedure drawn up by the Committee as required by Article 63(2).

Providing a secretariat to carry out administrative tasks for the PMC, including preparing and issuing the agenda for meetings of the PMC, issuing invitations and papers required for meetings, and taking minutes of meetings for circulation among PMC members and partners.

Submitting to the PMC all documents or information required by the PMC for the effective, efficient and timely performance of the tasks conferred on it by Article 65.

Working collaboratively with the PMC to ensure the quality of the implementation of the Operational Programme and to carry out monitoring by reference to financial indicators and the indicators referred to in Article 37(1)(c).

Receiving from the PMC any proposals for revision or examination of the Operational Programme made by the PMC under Article 65(f); reporting such proposals to the Managing Authority and considering with the Managing Authority what steps to take in the light of the proposals.

Receiving the PMC's approval to the matters referred to in Article 65(a), (d) and (g); giving the PMC such information as it requires for making a decision about such matters.

Following the examination referred to in Article 68(1), informing the PMC as required by Article 68(2) of comments made by the Commission (received directly or via the Managing Authority) about progress made in implementing the Operational Programme; considering with the PMC the implications of the comments and what action to take in response to them.

Article 60(i)

Drawing up and, after approval by the Programme Monitoring Committee, submitting to the Commission the annual and final reports on implementation

Preparing reports on the implementation of the Operational Programme, in particular:

Drawing up the annual implementation reports and the final implementation report for the Operational Programme for consideration and approval by the PMC in plenary; ensuring that each report contains such of the information set out in Article 67 and in Articles 4(2) and 11(2) of the Implementing Regulation as it is required by those provisions to contain and, if relevant, information required by Article 57(2) about any operation that has been substantially modified.

Ensuring that all reports follow the format in Annex XVIII of the Implementing Regulation.

Presenting each such report to the PMC and the Managing Authority for examination and approval; correcting any points and considering any issues arising from examination by the PMC or the Managing Authority of the contents of any report.

Subject to approval by the PMC and the Managing Authority, sending the final version of each annual implementation report to the Managing Authority in time to ensure that it reaches the Commission within six months of the end of the calendar year to which the report relates.

Subject to approval by the PMC and the Managing Authority, sending the final version of the final implementation report to the Managing Authority in time to ensure that it reaches the Commission by 31 March 2017.

Undertaking with the Commission the examination referred to in Article 68(1) of progress made in implementing the Operational Programme and of the other factors mentioned in Article 68(1) with a view to improving the implementation of the programme; keeping the Managing Authority informed about the scope, focus and direction of the examination.

Informing the Managing Authority what action has been or is to be taken in response to any comments made by the Commission under Article 68(2).

Article 60(j)

Ensuring compliance with the information and publicity requirements laid down in Article 69

Undertaking information and publicity measures, in particular:

Drawing up a communication plan for the Operational Programme in accordance with Article 2 of the Implementing Regulation and in consultation with the PMC, and submitting the plan to the Managing Authority for approval.

Sending the communication plan to the Managing Authority for submission to the Commission within four months of the adoption of the Operational Programme.

Considering what changes may be required to address any observations of the Commission notified to the Managing Authority; sending a revised communication plan to the Managing Authority for submission to the Commission within two months of those observations.

Making any changes to the initial or revised communication plan in line with the instructions of the Managing Authority.

Informing the PMC about the communication plan and its implementation and about the other matters referred to in Article 4(1) of the Implementing Regulation.

Taking the information measures for potential beneficiaries and beneficiaries for selected operations in accordance with Articles 5 and 6 of the Implementing Regulation.

Undertaking the responsibility of the Managing Authority relating to information and publicity measures for the public in accordance with Article 7 of the Implementing Regulation.

Article 60(k)

Providing the Commission with information to allow it to appraise major projects

Arranging for the appraisal of major projects by the Commission, in particular:

Providing the Commission with the information about major projects that is specified in Article 40.

Carrying out the work required to provide the information specified in Article 40, including:

- Appraising applications for ERDF support for major projects.
- For each application, preparing or arranging the preparation of feasibility studies; implementation timetable; cost benefit analysis; analysis of environmental impact; justification for the public contribution and financing plan.

Ensuring that all requests to the Commission for confirmation of assistance under Article 39 to 41 (major projects) follow the prescribed format, namely the format in Annex XXI of the Implementing Regulation for infrastructure investment and the format in Annex XXII of the Implementing Regulation for productive investment, and provides such of the data specified in Annex XX as is relevant to the major project concerned.

Notifying the grant applicant of the Commission's decision whether a financial contribution from the ERDF to a major project may be made.