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European Territorial Cooperation, Macro-regions, Interreg and Programme Implementation I
Estonia, Finland, Latvia and Lithuania

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Subject: Access to documents request (GESTDEM/2021/1858) - Lithuanian ESIF measure “Modernisation of public and private cultural infrastructure (07.1.1-CPVA-K-306)”

Dear Mr Malinauskas,

We refer to your email of the 23rd March 2021, in which you made a request for access to documents for information and documentation about a project being implemented through the Operational Programme (OP) for the European Union’s Investment Funds in 2014 -2020 in Lithuania – CCI 2014LT16MAOP001.

Please note that, in accordance with the principle of shared management, Member States and the Commission are responsible for the management and control of Operational Programmes co-financed by Structural Funds in accordance with their respective responsibilities (Article 73 of Regulation (EU) 1303/2013). Furthermore, in said Regulation, Paragraph 108 of the Preamble states

“The managing authority bears the main responsibility for the effective and efficient implementation of the Funds and the EMFF and thus fulfils a substantial number of functions related to programme management and monitoring, financial management and controls as well as project selection. Accordingly, the managing authority's responsibilities and functions should be set out.”

These responsibilities and functions are then set out in Article 125 of the same Regulation. These include the responsibility for the fulfilment of the management, control and audit obligations, for the implementation, and for the obligation to adhere to

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European and National legislation in the execution thereof. These responsibilities also include the establishment of selection criteria, and the selection of projects within the Thematic Objectives established by the Regulations, and the Priority Axes established in the OP.

Therefore, any “irregularities in project planning and implementation” as alleged in your email, should be addressed to the relevant national authorities, the contact details of whom are being provided in this note.

As regards the nature of the project to which you are making reference, the Operational Programme (OP) for the European Union’s Investment Funds in 2014 -2020 in Lithuania includes Specific Objective 7.1.1 (Diversify economic activities and improve conditions for attracting investment in support of job creation in target territories (urban areas). This falls under investment priority 7.1 (Supporting employment-friendly growth through the development of endogenous potential as part of a territorial strategy for specific areas, including the conversion of declining industrial regions and enhancement of accessibility to and development of specific natural and cultural resources). The OP includes the following description of possible actions to be supported by the Programme under this investment priority, a description that includes the project you are writing about -

“Conversion of under-used or abandoned infrastructures and territories, creating conditions to attract new commercial activities to them, adapting them social and cultural infrastructure, community activities (including the elimination of contamination or demolition, where necessary, of buildings and structures posing damage to the environment). Investments will be promoted to abandoned territories and unused infrastructures, their adaptation for activities that will facilitate the emergence of new sources of social and economic development in these territories and create preconditions for private investment (through building the required infrastructure).”

With regard to your reference to decisions about project financing being made in 2021, you may wish to be guided by the provisions of Article 65 of Regulation (EU) No 1303/2013 that determines the eligibility of expenditure, and specifically Paragraph 2 of this Article, which states,

“Expenditure shall be eligible for a contribution from the ESI Funds if it has been incurred by a beneficiary and paid between the date of submission of the programme to the Commission or from 1 January 2014, whichever is earlier, and 31 December 2023.”

With regard to your question about the involvement of the non-governmental sector, Article 5 Para 1c of Regulation (EU) No 1303/2013 determines that representatives of civil society, including non-governmental organisations, are to be included in the partnership.

With regard to your question regarding the requirements of the preservation of cultural heritage in planning initiatives co-financed by the ESIF, the adherence to all applicable legislation is also the responsibility of the authorities of the Member State.

The full text of Regulation (EU) 1303/2013 being quoted from above is available at – <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013R1303#d1e9738-320-1>

Information about the meetings and conclusions of the Programme Monitoring Committees as well as extensive information on the implementation of the OP is available on the following website - [Dokumentai | 2014-2020 Europos Sąjungos fondų investicijos Lietuvoje \(esinvesticijos.lt\)](http://dokumentai.2014-2020.europos.sajungos.fondų.investicijos.lietuvoje.esinvesticijos.lt).

Further information on the implementation of the Operational Programme is available on the following website - www.finmin.lt.

The Managing Authority of the Lithuanian Operational Programme in question may be contacted with requests for any specific documents or enquiries on - finmin@finmin.lt

Yours faithfully,

Angela MARTINEZ SARASOLA
Head of Unit

c.c.: REGIO ACCES TO DOCUMENTS