Ref. Ares(2017)1733252 - 31/03/2017

EUROPEAN COMMISSION
DIRECTORATE-GENERAL
REGIONAL AND URBAN POLICY (REGIO)
Closure, Major Projects and Programmes Implementation III
Czech Republic and Slovakia

Brussels,
DG REGIO/F4/TSF

Subject: Response to the letter of MA OPTA of 30 January 2017 Ares(2017)498261

Dear Mr Kupsa

Thank you very much for your letter of 30 January 2017 regarding the certification of expenses for MS2014+ projects under police investigation if and when legal proceedings are initiated. We appreciate your proactive and timely approach aimed at avoiding decommitment.

In the case of legal proceedings, it is questionable whether the Managing Authority and the Certifying Authority would be in a position to guarantee the legality and regularity of expenditure and the fulfilment of articles 125(4) and 126(a) of Regulation (EU) 1303/2013 given that the legal proceedings would indeed be looking into the legality and regularity of the expenditure.

Also, expenses declared might be subject to corrections depending on the outcome of the court case.

The optimal solution to avoid both potential decommitment and corrections would be to finance the development of projects related to MS2014+ from national sources.

Yours faithfully

Andreas von Busch
Head of Unit

Electronically signed on 28/03/2017 16:38 (UTC+02) in accordance with article 4.2 (Validity of electronic documents) of Commission Decision 2004/563